LECTORI,

DE LIBRO.

Ter Numerus Ternus, bis fœlix; Tu quoque fœlix,
Has Regum Leges sæpe legendo Novem:
Hic, Majestati dira est exosa Tyrannis;
Justitiæ hic sacræ, Vis *cadit ante pedes.*

R. Ja. I.

Proditus a Patruo, Captivus, deinde Redemptus;
Oppida, Sacra, Scholas, Justitiamque colo.

R. Ja. II.

Pro Patria pugnans, Patriæ dum consulo honori;
ROSBURGUM Patriæ, Sanguine reddo meo.

R. Ja. III.

Cingula cum Nati cernes, offendere Noli
Sive Patrem, Dominum, seu Patriæque Patrem.

R. Ja. IV.

Fata licet FLUIDO docuit Me; Conjuge, Regnum
Angligenum, Scotis in Pronepote *dedi.*

R. Ja. V.

Justitiæ Vindex; *ut Nati, juris & æqui*
Excolerent artes, Nobile condo Forum.

MARIA REGINA.

Tot Soboles Regum, Regnatrix Fœmina; *Regnum*
Connubijs Orno, Roboro; Prole Beo.

R. Ja. VI.

Antiquo Sceptro, junxi Diademata trina;
Sub Titulis quatuor, Sextus *et* Unus *EGO.*

R. Car. I.

Lex, Populus, Proceres, Consessus, Mitra, Corona;
Nomina Chara Mihi, Sanguine Clara Meo.

R. Car. II.

CAROLUS *a* CARLO, CHRISTO *sic* AUSPICE REGNO,
Ut facile agnoscat Plebs, DARE SCEPTRA DEUM.

De Scotorum Regum Insignijs,
Paræneticon.

Nobilis ecce LEO (Quem Nemo impune Lacessit)
DEFENDIT Sceptrum, MONOCEROTE suo.
Unguibus Alter Atrox, Cornu petit Alter Atroci:
Hic ferit Iratus, Concitus Ille fremit.
LEGIBUS ausculta; Noli irritare LEONEM,
Si sapis: En Illi Mortifer ENSIS adest.

Perlubenter fundebat
JACOBUS ONIGAMIUS,
Signeto Ro Scriba.

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THE Law's & Acts of PARLIAMENT

Made by

King JAMES the (I)

and his

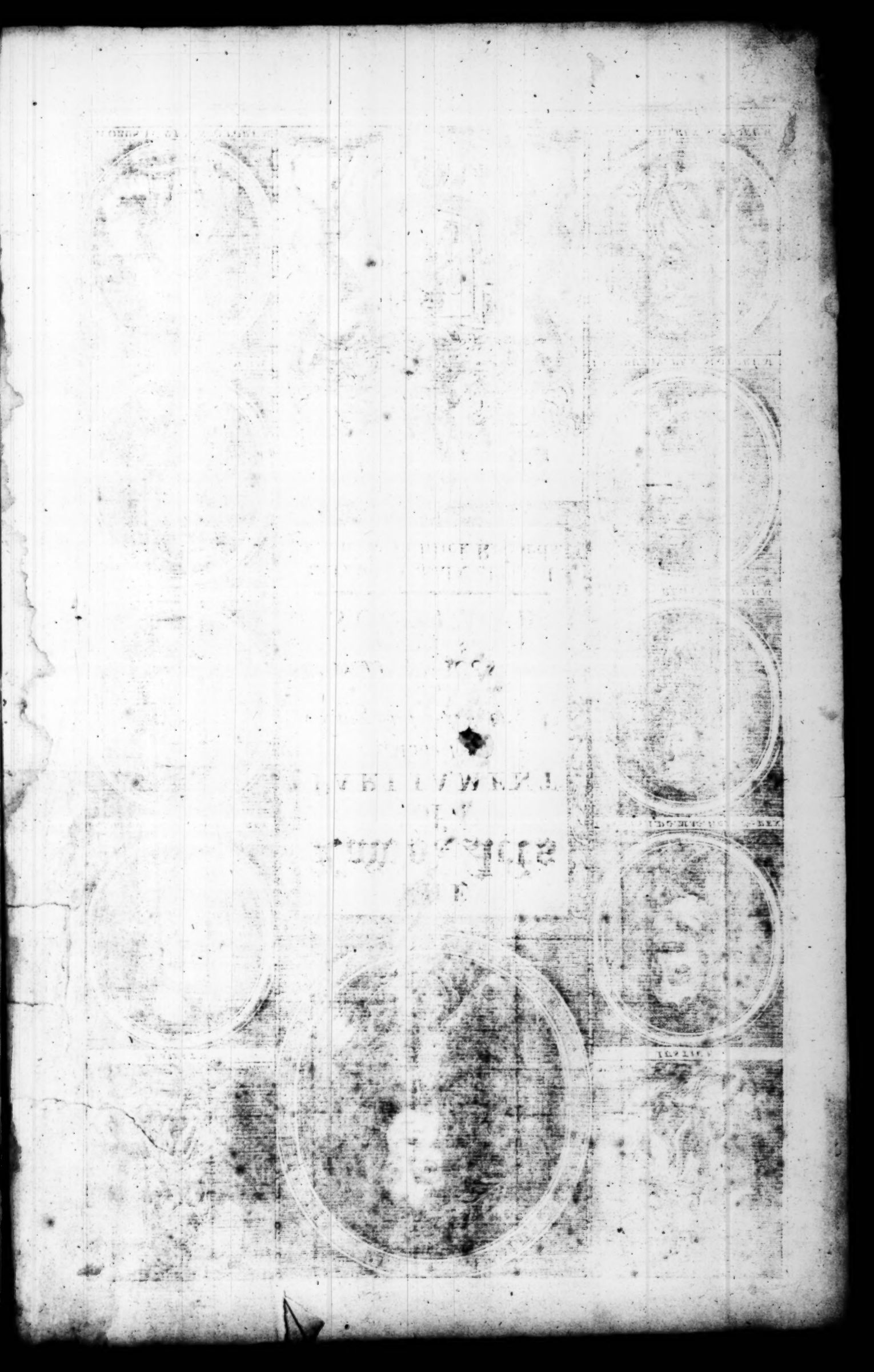
ROYAL SUCCESSORS

KINGS of

SCOTLAND

Extracted and Collected from the Publick Records.

La Cave sculp



Acts James Elphinston

THE LAWS AND ACTS OF PARLIAMENT

MADE BY KING JAMES THE FIRST, SECOND, THIRD, FOURTH, FIFTH, QUEEN *MARY*, KING *JAMES* the *Sixth*, KING *CHARLES* the *First*, KING *CHARLES* the *Second* Who now preſently Reigns, KINGS and QUEEN OF SCOTLAND.

Collected, and Extracted, from the Publick Records of the ſaid Kingdom, by Sir THOMAS *MURRAY of* Glendook. *Knight, and Baronet, Clerk to His* Majeſtie's *Counſell, Regiſter, and Rols, by his* Majeſtie's *ſpecial warrand.*



EDINBURGH,
Printed by DAVID LINDSAY; *Anno DOM.* MDC. LXXXI.
CUM PRIVILEGIO.

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THE PRIVILEDGE.

CHARLES *by the Grace of God, of* Scotland, England, France, *and* Ireland, *King, Defender of the Faith, &c. FOR AS MUCH As Wee by Our other Royal Letter of Gift, of the date, At* Whitehall, *the Ninth day of* May, 1679. *years, did upon the Acts of Parliament, and Council, and other grounds there in mentioned, Give and Grant, full power, and licence, To Sir* Thomas Murray of Glendook, *Knight, and Baronet, Clerk of Our Council, Register, and Rols, his Heires, Executours, and Assigneys, to cause the whole Acts, Laws, Constitutions, and Ordinances of Parliament of the Kingdom of* Scotland, *both Old and New, now being in force: And likewise the whole Laws, Acts, and Constitutions of the two Parliaments, and Acts of the three Conventions of Estates, holden by Us since Our happy restauration, to be re-imprinted by whatsoever Printer within the said Kingdom of* Scotland, *or els where, it shall please him, or them, to nominat for that effect: Together with these Surrenders, and Sentences following thereupon, mentioned in the said Gift; With the Treatise entituled* De Verborum Significatione, *And the Chronologie of the whole Kings of* Scotland, *unitll Our present Reign, and to compleat the Index of the whole Acts of Parliament, and to cause print the same, together with the Act of Parliament, concerning the Constitution, and Election of the Lords of Articles, dated* 18. June, 1663. *which Act is to be first insert in that Session of Parliament, and added to the Index of the printed Acts: Together also with Our Letter to the Parliament, anent Billetting, dated* 4. June, 1663. *and the Commission granted by the Parliament for trying the contrivance, and carrying on the Billetting, dated* 26. June, 1663. *With a Letter from the Parliament to Us concerning the Billetting,* 28. July, 1663. *With full power to the said Sir* Thomas Murray, *and his foresaids, after the reprinting thereof, to sell and distribute, and cause the same be sold, and distributed throughout the whole Kingdom of* Scotland, *to the effect they may the better come to the knowledge of all the Leiges, DISCHARGING thereby all the Leiges and Subjects, that none of them upon any pretence whatsoever, presume, nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in part, or Compend thereof, to be imprinted sold or bought, within the said Kingdom of* Scotland *or without the same, without the special consent and licence of the said Sir* Thomas Murray, *and his foresaids, enduring the space of* Nineteen years, *after the day and date of the foresaid Gift, under the pain of escheating the same to the said Sir* Thomas Murray, *and his foresaids, and paying to him, or them, the sum of* Five hundred pounds Scots *money, to be taken up by them, to their utility, and profite, from each one of the Contraveeners of this Priviledge, Inhibition, Licence, and Discharge, as oft as it shall happen them, or any of them, to break and contraveen the same, during the space foresaid. As the said Letter of Gift of the date foresaid in it selfe more fully bears. AND SEING That the said Sir* Thomas Murray *hath now agreed with* David Lindsay *Merchant in* Edinburgh, *to be Undertaker of the reprinting of the saids Laws and Acts, and others above specified, and with* John Cairns *Printer for re-printing thereof; And for that end hath given to them his consent and licence, conform to his Assignation made to them of the foresaid Right, and Gift, and of the power and liberty therein contained; As the same of the date the day of last bypast bears. THEREFORE, WEE not only have Ratified and Approven, and by thir presents Ratifies, Approves, and Confirms, the foresaid Consent, Licence, and Agreement, made and past betwixt the said Sir* Thomas Murray, *and the said* David Lindsay, *and* John Cairns *Printer: BUT ALSO for their farther encouragement, and better assurance, have of new again Given and Granted, and by the Tenour hereof Gives and Grants, full power and licence, to the said* David Lindsay, *and the said* John Cairns *Printer, Undertaker and Printer above-named, and their Heirs, Executours and Assigneys, to cause be re-printed, and to re-print, the foresaids whole Acts, Laws, Constitutions, and Ordinances of Parliament of the said Kingdom of* Scotland, *both Old and New, now being in force: And likewise, the whole Laws, Acts, Constitutions, and Ordinances, of the two Parliaments, and Acts of the three Conventions of Estats, holden by Us since Our happy restauration; Together, with the foresaids Surrenders, and Sentences following thereupon; With the foresaid Treatise, entituled* De verborum significatione, *and the Chronologie of the whole Kings of* Scotland, *unto Our present Reign; And to compleat the Index of the whole Acts of Parliament, and to insert in the said Index, the quotations of the parallell Acts of Parliament, and to print the same in all the copies that are to be re-printed; Together with the Act of Parliament, concerning the Constitution and Election of the Lords of Articles, dated the* 18. June, 1663. *which Act is to be first insert in that Session of Parliament, and added to the Index of the printed Acts; Together also with Our Letter to the Parliament anent Billetting, dated* 4. June, 1663. *And the Commission granted by the Parliament, for trying of the contrivance, and carrying on the Act of Billetting, dated* 26. June, 1663. *With a Letter from the Parliament to Us, concerning the Billetting, dated* 28. July, 1663. *WITH full power to the said* David Lindsay, *and the said* John Cairns *Printer, Undertaker and Printer, after the re-printing of the Premisses, to sell and distribute, and cause the same be sold and distributed throughout the whole Kingdom of* Scotland, *to the effect they may the better come to the knowledge of all the Leiges. DISCHARGING hereby all the Leiges, and Subjects, that none of them upon any pretence whatsoever, presume, nor take upon hand, to imprint, sell, buy, or cause the same in whole, or in part, or Compend thereof, to be imprinted, sold, or bought, within the said Kingdom of* Scotland, *or without the same, without the special consent, and licence, of the said* David Lindsay *Undertaker, and the said* John Cairns *Printer, or their foresaids, enduring the space of* Nineteen years, *after the day and date of these presents, under the pain of Escheating the same to the fore-named Persons Undertaker and Printer, and their foresaids, and paying to them, the sum of* Five Hundred pounds Scots *money, to be taken up be them, to their utility and profite, from every one of the Contraveeners of this Priviledge, Inhibition, Licence, and Discharge, as oft as it shall happen them or any of them, to break and contraveen the same, during the space foresaid. WHICH Letter of Gift, and Priviledge granted to the fore-named Persons Undertaker, and Printer, is hereby ordained to be published, and also to be Printed, and set before the Copies of the saids Laws and Acts, and Others above specified to be Re-printed as said is, that none pretend ignorance; GIVEN At* Our Court At WHITEHALL, *the first day of* May, 1680. *And of Our Reign the* 32. *years.*

Sealed according to warrand, under His *Majestie's* Privy Seale, At EDINBURGH the 31. day of *March*, 1681.



TO



TO

The Kings moſt Excellent MAJESTY

CHARLES THE SECOND

By the Grace of GOD, *of* SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, KING, *Defender of the Faith*, &c.

THE SCOTS LAWS, AND ACTS OF PARLIAMENT,

From Seven of your Royal PREDECESSOURS

Together

With the ACTS *of your Royal* FATHER *of bleſſed Memory,*

And

THE LAWS, AND ACTS of PARLIAMENT

Made ſince your MAJESTIE'S *happy Reſtauration.*

Moſt humbly offereth

Your MAJESTIE'S

Moſt dutifull

Moſt humble

And moſt obedient

Subject and Servant.

THO. MURRAY.

IN DE
FENCE
R
I
6



IACOBVS . I . REX . SCOTORVM .

THE FIRST

PARLIAMENT

OF

KING JAMES THE FIRST,

Halden at Perth *the XXVI. Day of Maij: The zeir of God, Aue thousand foure hundreth twentie foure zeiris: And of his Reigne the nineteene zeir.*

1. *The freedome of the halie Kirke.*

IN THE Firſt to the honour of God and halie Kirk; It is ſtatute and ordained, that the halie Kirke joyis and bruike, and the Miniſters of it, their aulde Priviledges and freedomes. And that na man let them to ſet their landes and teindes, under the paine that may follow, be Spiritual Law, or Temporal.

2. *Peace ſuld be keeped within the Realme.*

ITEM, That firme & ſicker peace be keeped and halden throw all the Realme, and amang all and ſindrie Lieges and ſubjectes, to our Soveraine Lord the King, and that na man take on hand in time to cum, to moove or make weir againſt uther, under all paine that may follow be courſe of commoun Law.

3. *That na man rebel againſt the Kingis perſone.*

ITEM, It is ſtatute and ordained, that na man openlie or notourlie rebel againſt the Kingis perſon, under the paine of forefaulting of life, land and gudes.

4. *All men ſuld aſſiſt the King to puniſh rebelles.*

ITEM, It is ſtatute and ordained that gif ony diſobeyis, till enforce the King againſt notour rebellers againſt his perſone, quhen they be required be the King, and commanded; they ſall be challenged be the King, as favourers of ſik rebellers; bot gif they have for them reaſonable excuſation.

5. *Na man ſuld travel with maa men, nor he may ſuſteine.*

ITEM, It is ſtatute that na man of what eſtate, degree or condition he be of, rydand or gangand in the Countrie, lead nor have maa perſones with him, nor may ſuffice him, or till his Eſtaite, and for quhom he will make readie payment: And gif onie complaint be of ſik ryders or gangers; the King commandis his Officiares of the land, that quhair they happen to be, till arreiſt them, and put them under ſicker burrowes, quhill the King be certified thereof, and ſend his will what ſall be done of ſik treſpaſſoures.

6. *Of the Miniſters of Law within the Realme, and offices given in heritage.*

ITEM, It is ordained that there be maid officiars and miniſters of Law, throw all the Realme, that can, or may halde the Lawe to the Kingis commounes; and ſik as hes ſufficientlie of their awin; quhair throw they may be puniſhed gif they treſpaſſe. And gif onie be inſeft of ſik offices of before, and ar not ſufficient

to miniſter therein in proper perſone; that utheris be ordained in their ſteedes, for the quhilk they that hes ſik offices of the King in fee, be halden to anſwer to him, gif they treſpaſſe.

7. *Sornares or companies ouer-lyand the Kingis Lieges, ſuld be arreiſted and ſatiſfie the King and partie.*

ITEM, The Parliament ſtatuis, and the King forbiddis; That na companies paſſe in the Countrie, to lye upon onie the Kingis Lieges: or thig or ſojourne horſe, outher on-Kirk-men or husbands of the land. And gif onie complaint be maid of ſik treſpaſſoures to the Schireffe of the land; that he arreiſt ſik folk, and challenge them, and taxe the Kingis skaith upon them: And gif they be convict of ſik treſpaſſe, that they be puniſhed, and finde Burrowes till aſſyith the King and the partie complainand. And gif ſik perſones takis ony skaith in the arreiſting of them, it ſall be impute to them ſelfes. And in caſe that na complaint be maid to the Schireffe, the Schireffe ſall inquire at ilk head court that he haldis, gif onie ſik faultoures be within his Schireffedome. And gif onie beis founden, that they be puniſhed, as is before written.

8. *Cuſtomes and burrow mailles, ar annexed to the Croun.*

ITEM, It it is conſented be the hail Parliament, that all the greate and ſmall cuſtomes, and burrow-mailles of the Realme, abide and remaine with the King till his living. And gif onie perſone makis onie claime till ony part of the ſaid cuſtomes, that he ſchaw to the King quhat he hes for him, and the King ſall make him anſwere with adviſement of his Councel.

9. *Of landes and rentes that were our Soveraine Lord the Kingis Predeceſſoures, and ſchawing of halding.*

ITEM, As anent landes and rentes, the quhilk were of before time OVR SOVERAINE LORDE the Kingis anteceſſoures: It is ſeene ſpeedful, that the King charge all and ſindrie Schireffes of his Realme, to gar inquire be the beſt, eldeſt and worthieſt of their Baillieries, quhat landes, poſſeſſiones, or annuall-rentes perteinis to the King, or hes perteined in his anteceſſours times of guid memorie, *David* 2. *Robert* 2. & *Robert* 3. his Progenitours; & in quhais hands they now be: And that ilk Schireffe gar retour be inqueſt under his ſeale, and their ſeales that beis upon it: And gif it likis the King, he may gar ſummond, all and ſindrie his tennentes, at lauchful daie and place, to ſchaw their charters and evidentes, and ſa be their haldinges he may perceive quhat perteinis till him.

10. *Of ſlaying of Salmond in forbidden time.*

ITEM, Quha ſa ever be convict of ſlauchter of Salmonde, in time forbidden be the Lawe, he ſall pay fourtie ſchillinges for the unlaw. And at the thrid time, gif he be convict of ſik treſpaſſe, he ſall tyne his life, or then bye it. And gif onie man be infeft to fiſh in forbidden time, al ſik priviledges ſall ceaſe for three zeires to-cum. And gif onie dois the contrair, he ſall tine ane hundreth ſhillinges for the unlaw before the Juſtice: Upon the quhilk treſpaſſe, the juſtice Clerke ſall inquire, at the receiving of the indimentes, as of uther poyntes belangand his office.

11. *Of Cruves, Zaires, and Satterdaies ſlop.*

ITEM, That all Cruves and zaires ſet in freſh water, quhair the ſea fillis and ebbis, the quhilk deſtroyis the frie of all fiſches, be deſtroyed and put awaie for ever mair: Not againe ſtanding ony priviledge and freedome given in the contrarie, under the paine of ane hundreth ſhillinges. And they that hes cruves in freſh waters, that they gar keepe the Lawes, anentes Satterdaies ſlop; and ſuffer them not to ſtande in forbidden time, under the ſaid paine. And that ilk heck of the foreſaidis cruves be three inche wide, as the aulde ſtatute requiris.

12. *Mines of Gold and ſilver perteinis to the King.*

ITEM, Gif onie mine of gold or ſilver be founden in onie Lordis Landes of the Realme, and it may be prooved that three halfe pennies of ſilver may be fined out of the pound of leade: THE Lordes of Parliament conſentis, that ſik mine be the Kingis, as is uſuall of uther Realmes.

13. *That na Clerkes paſſe over the Sea, but the Kingis licence.*

ITEM, It is ſtatute be the haill Parliament, and be the King forbidden, that na Clerke paſſe, nor ſend procuratour for him ouer Sea, but leaue of our Lord the King asked and obteined.

14. *That*

14. *That na clerkes purchaſe penſiones of Benefites within the Realme.*

ITEM, In likewiſe it is ſtatute be the haill Parliament, and the King forbiddis, that onie Clerke of his Realme in time to cum, purches onie penſion out of onie Benefice ſecular or Religious, under all paine that he maie tyne againſt his Majeſtie: or raiſe onie penſion granted in time bygane in onie maner of waies, under the paines foreſaid.

15. *That na man have out of the Realme gold nor ſilver.*

ITEM, It is ſtatute & ordained, that na man have out of the realm gold nor ſilver, bot he pay fourtie pennies of ilk pund of cuſtome to the King, under the paine of tinſel of all gold and ſilver that beis funden with him, and x. pundes to the King for the unlaw.

16. *Of ſtrangers that takis money for their merchandice.*

ITEM, Quhat ſtrangeres that ſellis merchandice in the Realme, and takis money theirfoir, he ſall have witneſſe of the hoſte of his innes, that he outher wair al ſik money for pennie worthes of this land, or els pay the cuſtome foirſaid, under the paine before written.

17. *That na man play at the fute-ball.*

ITEM, It is ſtatute, and the King forbiddis, that na man play at the fute-ball, under the paine of fiftie ſchillings to be raiſed to the Lord of the land, als oft as he be tainted, or to the Schireffe of the land or his Miniſters, gif the Lordes wil not puniſh ſik treſpaſſoures.

18. *That ilk man buſk them to be Archeres.*

ITEM, That all men buſk them to be Archeres, fra they be twelve zeir of age, and that in ilk ten pundis worth of Lande, their be maid bow markes, and ſpeciallie neir to paroche Kirkes, quhairin upon halie daies men may cum, and at the leaſt ſchutte thriſe about, and have uſage of Archerie, and quha ſa uſis not the ſaid archerie, the Laird of the Land ſall raiſe of him a wedder, and gif the Laird raiſis not the ſaid paine, the Kings Schireffe or his Miniſters ſall raiſe it to the King.

19. *Of bigging of Ruikes in trees.*

ITEM, For thy that men conſidderis that Ruikes biggand in Kirks Zairdes, Orchardes, or Trees, dois greate ſkaith upon Cornes: It is ordained, that they that ſik Trees perteinis to, lette them to big, & ſuffer on na wiſe that their birdes flie away. And quhair it be tainted that they big, and the Birdes be flowin, and the neſt be funden in the Trees at *Beltane* the trees ſal be foirfaulted to the King (bot gif they be redeemed fra him, throw them that they firſt perteined to) and hewin downe, and five ſchillings to the Kingis unlaw.

20. *Of Mure-burning.*

ITEM, It is ordained, that na man mak Mure-burning, after the moneth of *Marche*, quhil all Cornes be ſchorne, under the paine of fourtie ſchillings, to be raiſed to the Lord of the lande of the burner. And gif he hes not to pay, that he be priſoned fourtie dayis. And gif the Lord of the land raiſis not ſik pain, nor puniſhis not ſik treſpaſſoures, as is beſoir ſaid, the Juſtice Clerk be the inditement, ſall gar ſik treſpaſſoures be corrected beſoir the Juſtice, and puniſhed as ſaid is.

21. *Cuſtome of Horſe Nolt, Scheepe, had furth of the Realme, and of Herring.*

ALSWA For thy that mony thinges paſſis out of the Realme, withoutten Cuſtome, it is ordained and decreeted that of all Nolt, Horſe, and Scheepe had out of the Realme, their be payed to the King twelfe pennies for cuſtome of ilk pund, of the price of the ſaid guds, and of all Herring that are tane within this Realme, that is to ſay, of ilk thouſand of freſche Herring ſauld, of the Sellar one penny, and of ilk laſt of Herring, tane be *Scottiſ-men* barrelled, foure ſchillinges of ilk laſt, be ſtrangeris taken, ſexe ſchillinges. And of ilk thouſand red Herring, maid in the Realme, foure pennies.

22. *Cuſtome of Mertrik skinnes, and uther Furringes.*

ITEM, It is ordained, that na man have Mertrik skinnes furth of the Realme, and gif he dois, that he pay to the King two ſchillinges for the Cuſtome of ilk skinne, and for ten Fowmartes skinnes called Fithawes ten pennies. Item of ane hundreth Cunning-skinnes twelfe pennies. Item of ilk daker of

Otter skinnes and Tod skinnes, ſex pennies. Item for ilke daker of hart and hynde skinnes twelfe pennies. Item of ilk ten Daes and Raes skinnis, foure pennies.

23. *Reformation and mending of the money.*

ITEM, The Parliament hes determined and ordained, that our Lord the King gar mend his money, and gar ſtryke it in like wecht and finenes to the money of *England*. And this money runnand nowe, to have courſe quhill the King forbid it. And that the King ſall garre ſtrike new money, quhen him lykis, and thinkis it ſpeidful and profitable for the Realme.

24. *Of Hoſtillaries in Burrowes and throuch-fares.*

ITEM, It is ordained, that in all Burrow Townes of the Realme, and throuch-fares, quhair commoun paſſages are, that their be ordained Hoſtillares & receipters, havand ſtables and chalmers. And that men find with them bread and aile, and all uther fude, alſweil to horſe as men, for reaſonable price, after the chaipes of the countrie.

25. *Of the age and marke of Beggers, and of Idle men.*

THE King hes ſtatute be conſent of the haill Parliament ripelie adviſed, that na Thiggeres be thoiled to beg, nouther to Burgh nor Land-wart, betuixt fourteene and threeſcore ten zeires. bot they be ſeene be the councelles of the Tounes, or of the Lande, that they may not winne their living uther waies. And they that ſalbe thoiled to beg, ſall have a certaine takin on them to Land-wart of the Schireſſe: And in the Burrowes, they ſall have takin of the Alder-men, or of the Baillies. And all uther perſones havand na takins, nouther of lande, nor of Burgh, ſalbe charged be open Proclamation, to labour and paſſe to Craftes, for winning of their living, under the paine of burning on the cheike, and baniſhing of the Countrie.

FINIS.

THE SECOND

PARLIAMENT

OF

KING JAMES THE FIRST;

Halden at Perth, *the twelfth daie of March, the zeir of God, ane thouſand, foure hundreth, twentie foure zeires; And of his Kinrik the nineteen zeire.*

26. *Of the freedome of halie Kirk, and of Kirk-landes wrangeouſlie annalied.*

IN The Firſt, to the honour of God, that the freedome of halie Kirke be keeped throw all the Realme: And gif ony landes or poſſeſſiones of halie Kirke be wrangeouſlie annalied, they ſulde be reſtored againe, be lauchful proceſſe of Law.

27. *Reformation of Hoſpitalles.*

ITEM, Anent Hoſpitalles that ar founded of Almous deedes, throw the Kinges, to be uphalden to puir folke, and ſeik; to be viſited be the Chancellar, as they have bene in the Kingis progenitoures times. And they that ar founded be Biſhoppes or uther Lords Spiritual or Temporal, to be viſited be the Biſhop and Ordinars, quhom it effeiris to, and reduce and reforme them to the effect of their firſt foundation.

28. *Of*

28 *Of Hereticques.*

ITEM, Anent Hereticques, that ilk Biſhoppe ſall garre inquire to the inquiſition of Hereſie, quhair onie ſik beis founden and that they be puniſhed as law of halie Kirk requires. And gif it miſteris, that ſecular power be called, in ſupport and helping of halie Kirk.

29. *The breakers of the actes of Parliament, ſuld be puniſhed.*

IT Is ſtatute and ordained, that the breakers of the actes of Parliament be puniſhed, after the forme and ordinance thereof.

30. *Leagues and bands are forbidden.*

ITEM, It is decreeted be the haill Parliament, and forbidden be our Soveraine Lorde the King, that onie leagues or bandes be maid amangſt his Lieges in the Realme: And gif onie hes bene maid in time by-gane, that they be not keeped nor halden in time to cum.

31. *Of ſelling of Horſe.*

ITEM, It is ordained that na Horſe be ſauld out of the Realme, quhill ar the leaſt they be three zeir auld out-gane, under the paine of eſcheitte of them to the King.

32. *Anent Taulch.*

ITEM, It is ordained that na Taulch be had out of the Realme, under the paine of eſcheitte of it to the King.

33. *Steallers of greene woodde, of fruite, Cunninges, Dowes, peallers of Trees, Breakers of Orchardes, and deſtroyers of woodde.*

ITEM, It is ordained, that the juſtice Clerkes, inquire at the receiving of the inditements, of them that be night ſteallis greene woodde, or pealis the bark off trees, deſtroiand wooddes. And quha ſa be convict before the juſtice of ſik treſpaſſe, they ſall paie fourtie ſhillinges to the King for the unlaw, and aſſyith the partie skaithed. And als the ſaid Clerke ſall inquire of the breaking of mennes Orchardes, ſteallers of frute, deſtroyers of Cunningaires and Dowcattes, the quhilkis ſall be puniſhed, as it is ordained of the ſteallers of woodde.

34. *Steallers of Woodde ſuld be puniſhed in the place quhair the cryme was committed.*

IT Is ordained, gif onie man findis his ſtollen woodde in uther Lordes landes, he ſall gar arreiſt baith the woodde and the ſteallers of it, and gar them ſuffer Law in his Courte, that the woodde was ſtollen fra, and in nane uthers.

35. *Anent the time within the quhilk Salmound ſuld nocht be ſlaine.*

IT IS Ordained be the Parliament, and forbidden be the King, that onie Salmound be ſlaine, fra the Feaſte of the Aſſumption of our *Ladie*, quhill the feaſte of *Saint-Andrew*, in Winter, nouther with Nettes nor Cruves, nor nane utherwaies, under the paine put upon ſlayers of read fiſh, quhilk alſwa the Juſtice Clerke ſall gar inquire.

36. *Anent ſtalkers, that ſlayis Deare, and their mainteiners.*

ITEM, It is ordained, that the Juſtice Clerke ſall inquire of Stalkers, that ſlayis Deare, that is to ſay, Harte, Hynde, Dae, and Rae, and the halders and mainteiners of them. And alſſoone as onie Stalker may be convict of ſlauchter of Deare, he ſall paie to the King, fourtie ſhillings: And the halders and mainteiners of them ſhall paie ten poundes.

37. *Receipteres of rebelles ſuld be forefaulted.*

ITEM, It is decreeted and ſtatute, that na man wilfullie ſall receipt, mainteine, or do favour to open and manifeſt Rebellares againſt the Kingis Majeſtie, and the commoun Law, under the paine of forefaultour.

38. *How meikle gudes ane Merchand ſayling ſuld have.*

ITEM, It is ſtatute and ordained, that na Merchand of the Realme paſſe over the Sea in merchandice, bot he have of his awin proper gudes, or at the leaſt committed till his awin governance, three ſerplaithes of Wooll, or the value of them in uther Merchandice, quhilk ſall be kend or he paſſe, be an inqueſt of his nichtboures, under the paine of ten pound to the King.

39 *Ilke Craft ſuld have ane Deakon.*

ITEM, It is ordained, that in ilke Towne of the Realme, of ilk ſindrie craft uſed therein, be choſen a wiſe man of that craft, and be the laiſe of that craft, and be conſent of the Officiar of the Towne; the quhilk ſall be halden Deakon or Maiſter-man over the laiſe for the time, to governe and aſſay all warkes, that beis maid, before the Craftes-men of that craft: Swa that the Kingis Lieges be not defrauded and ſkaithed in time to cum, as they have bene in time by-gane, throw untrew men of Craftes.

40. *The Cuſtome of Woollen claith, of Salmound and* Engliſh *gudes.*

ITEM, It is ordained, that of ilk poundes woorth of woollen Claith had out of the Realme, the King ſall have of the out-haver for Cuſtome twa ſhillinges. And of ilk poundes woorth of Salmound bocht be ſtrangers, and had out of the Realme, threttie pennies. And of ilke poundes woorth of *Engliſh* gudes, brocht in the Realme, threttie pennies.

41. *Anent men quha ſuld labour the land.*

ITEM, It is ordained that ilk man of ſimple eſtaite, that ſuld be of reaſon labourers, have outher halfe ane Oxe in the pleuch, or elſe delve ilk day ſeven fute of length, and ſeven on breadth, under the paine of ane Oxe to the King.

42. *The age, marke, and paine of Beggers.*

ITEM, It is ordained that na Thigger be thoiled to begge, nouther to Burgh nor land, betuixt fourteene and threeſcoir and ten zeires, but they be ſeene be the Councel of the Commounes of the Countrie, that they may not win their living utherwaies. And they that ſa beis founden have a certaine takinne to Landwart of the Schireffes, and in Burrowes of Alder-men and Baillies, and that under the paine of burning on the cheik, and baniſhing off the Countrie. And that in everie Burgh outthrow the Realme, the Chalmerlaine ſall inquire in his aire zeirlie, gif the Alder-men and Baillies, hes keeped the act, and the forme of the ſtatute. And gif they have broken it, they ſall be in fiftie ſhillings to the King. ITEM, The Schireffes failzieing of the keeping of the ſaid act, to be puniſhed in likewiſe.

43. *Leeſing-makers tinis life and gudes.*

ITEM, It is ordained be the King and the haill Parliament, that all Leeſing-makers and tellers of them, quhilk may ingender diſcorde betuixt the King and his people, quhair ever they may be gotten, ſall be challenged be them, that power hes, and tine life and gudes to the King.

44. *Of Weapon-ſchawinges.*

ITEM, It is ordained, that in ilk Schireffedome of the Realme, be maid Weapon-ſchawinges foure times in the zeir.

45. *Anent complaintes to be decided before the Judge ordinar.*

ITEM, As anent billes of complaint, quhilkis may not be determined be the Parliament, for diverſe cauſes belanging the commoun profite of the Realme: It is ordained that the Billes of complaint be execute and determined be the judges and Officiares of the Courtes, quhom to they perteine of Law, outher juſtice, Chalmerlane, Shireffes, Baillies of Burrowes, Barronnies, or uther Spiritual judges, gif it effeiris to them. To the quhilkis judges all and ſindrie, the King ſall give ſtrait commandement, alſweil within Regalities, as out-with, under all paine and charge that may follow, that alſweil to pure as to rich, but fraude or guile, they doe full law and Juſtice. And gif there bee onie pure creature, for faulte of cunning, or expenſes, that cannot, nor may not follow his cauſe, the King for the love of GOD, ſall ordaine the Judge, before quhom the cauſe ſuld be determined: to pur-wey and get a leill and a wiſe Advocate, to follow ſik pure creatures cauſes. And gif ſik cauſes be obteined, the wranger ſall aſſyith baith the partie ſkaithed, and the Advocatis coaſtes and travel. And gif the Judge refuſis to do the Law eavenlie, as is before ſaid, the partie compleinand, ſall have recourſe to the King, quha ſall ſee rigorouſlie puniſhed ſik Judges, that it ſall be exemple till all uthers.

46. *Anent*

46. *Anent remiſſions to be given, and aſſyithment of partie.*

ITEM, It is ordained be the Parliament, that quhair the King gives remiſſiones till onie man, with condition to aſſyith the partie skaithed and compleinand: That conſideration be had of the *Hie-land* men, the quhilkis before the Kingis hame cumming, commounlie reft and ſlew ilk ane utheris; of the quhilkis there may not be maid full aſſythment till utheris, bot in the *Law-landes*, quhair the skaithes done may be kend, and the treſpaſſoures to be of pouer to make ane mendis of all or of part: That there be choſen gude men & leill, ſworne thereto, to modifie amendis after the qualitie and quantitie of the perſon, and of the skaithes, gif the parties cannot concorde be themſelves; of the quhilkis modificationes, baith the parties ſall hald them content.

FINIS.

THE THRID PARLIAMENT OF KING JAMES THE FIRST.

Halden at Perth *the Elleventh of Marche: The zeir of God, ane thouſand, foure hundreth, twentie five zeires: And of his Kinrik the tweutie zeir.*

47. *Anent harnes to be brocht hame be Merchandes.*

ITEM, It is ordained be the King and the Parliament, that all Merchands of the Realm, paſſand over Sea for Merchandice, bring hame, as he maie gudly thoile, after the quantity of his merchandice, harnes and Armoures, with Speares, Schaftes, Bowes and Staves. And that be done be ilk ane of them als oft, as it happenis them to paſſe over Sea in Merchandice.

48. *That all the Kingis Lieges live and be governed be the Lawes of the Realme.*

ITEM, It is ordained be the King, be conſent and deliverance of the three Eſtaites, that all and ſindrie the Kingis Lieges of the Realm olive and be governed under the Kingis Lawes & ſtatutes of the Realme allanerlie: and under na particular Lawes, nor ſpecial Priviledge, nor be na Lawes of uther Countries nor Realmes.

49. *For the halding of money within the Realme.*

ITEM, It is ordained, for the halding of the money within the Realme, that na man have out of the Realme gold nor ſilver, bot he pay fourty pennies of ilk pound to the King for cuſtome, under the pain of tinſel of all gold and ſilver, that beis founden with him, and ten poundes to the King for the unlaw. And quhat ſtranger, that bringis Merchandice in the Realme to ſell, and takis money theirfore, he ſall have witneſſing of the Hoſte of his Innes, that he ware all ſik money for penny worthes of this Realme, or elſe paie the cuſtome foreſaide to the King, under the paine before written. And for the keeping of this ſtatute, that the Kingis Chalmerlaine depute, or himſelfe, gar ordaine in ilk Toune, quhair ſik ſtrangers repairis, twa ſufficient men baith to ſee the entrie of them of ſik gudes, and to heare the reckoning of them, and to receive the Kingis Cuſtome, & uther thinges, that belangis thereto, & to make reckoning and give compt thereof, at the Kingis Checker.

50. *That na perſones that inditis men to the Juſtice Aire, be on their Aſſiſe.*

ITEM, It is ſtatute, ordained, & forbidden that onie man that is officiar of onie Countrie, or anie man that inditis ane uther for onie action, be on his aſſiſe, that ſall thoile the law, under the paine of ten pounds to the King.

51. *Of fore-thought fellonie and Chaud-mella.*

ITEM, It is ſtatute for the keeping of the Kingis peace, and added to the Acte and ſtatute maid of before, that als ſoone as onie complaint be maid throw onie perſones to Juſtices, Schireffes, Baillies in Burrowes, or on land, till ony uther Officiar of the Lawe, quhairever hee bee, that it effeiris or perteinis to, ſall in all gudlie haſte garre ſummound baith the parties before him, and inquire diligentlie but onie favoure, gif the deede was done upon fore-thought Fellonie, or throw ſuddaine Chaud-mella: and gif it be founden forethought-fellonie the partie ſall be challenged incontinent of the Kingis peace breaking, be the Officiars of Lawe, quhilkis ſall gar the partie hurte be fullie aſſyithed, after the quantitie of the skaith, that he hes ſuſteined. And thereafter the life and the gudes of the treſpaſſoure to be in the Kingis will, to quhais priſon hee ſall bee had incontinent. And gif the treſpaſſe be done of ſuddaine Chaud-mella, the partie skaithed ſall follow, and the partie treſpaſſand defende, after the courſe of the auld Lawes of the Realme.

52. *That all Prelates, Barrones and Free-halders ſall compeir perſonallie in the Parliament.*

ITEM, It is ordained and ſtatute, that all Prelates, Erles, Barronnes and free-halders of the King within the Realme, ſen they ar halden to give preſence in the Kingis Parliament, and General councel, fra thine foorth be halden to compeir in proper perſon, and not be a Procuratour: Bot gif the Procuratour alleage there and prove a lauchfull cauſe of their abſence.

53. *Attornayes in the Juſtice Aires ſuld be honeſt perſones.*

ITEM, It is ſtatute and ordained, that na man be admitted to be Attornay in the Juſtice Aire, bot gif he be ane honeſt and ſufficient perſon of diſcretion for that office, the quhilk ſall be knawin be the Juſtice and the Barronnes then preſent, gif onie doubt be theirof.

54. *Of perſones to be choſen to examin the buikis of Law, and reforme them.*

ITEM, It is ſtatute and ordained, that ſex wiſe men and diſcreete, of ilk ane of the three Eſtaites, quhilk knawis the Lawes beſt, ſall be choſen (ſen fraude and guile aucht to help na man) that ſall ſee and examine the Buikes of Law, that is to ſay, *Regiam Majeſtatem*, and *Quoniam Attachiamenta*. And mend the Lawes, that neids mendement.

55. *Quhat exceptiones ſuld be admitted or repelled.*

IT is ordained, that all lauchfull exceptiones of the Law be admitted in Judgement, and all frivolous and fraudful exceptiones be repelled, and not admitted be na Judge, ſwa that the cauſes litigious and pleyes be not wrangeouſlie prolonged in skaith and prejudice of the partie, and in fraude of the Law.

56. *All men ſuld ludge with Hoſtillaries.*

ITEM, In the way that Hoſtillaries in Burrowis and throuch-faires, meenis them to the King, that his lieges travelland in the Realme, quhen they cum to Burrowes and throuch-faires, herberies them not in hoſtillaries, bot with their acquentance and friends: The King of deliverance of Councel, and conſent of the three Eſtaites forbiddis, that onie liegeman of his Realme, travelland throw the countrey on horſe or one fute, fra time that the commoun hoſtillaries be maid, herbery or ludge them in ony uther place, bot in the Hoſtillaries foirſaid, bot gif it be the perſones that leadis monie with them in companie, that ſall have friedome to herberie with their friends: Swa that their horſe and their meinze be harberied and ludged in the commoun Hoſtillaries. And als it is ordained, that na Burges indwelland in burgh or in throuch-fair receive or admit ony ſik travellers or ſtrangers, bot allanerlie commoun Hoſtillaries, under the paine of fourty ſchillinges, to the King for the unlaw.

57. *Of Weichtes.*

ITEM, It is ordained, that their be maid a ſtane for gudes ſauld and bought be weichtes, the quhilk ſall wey fyfteene leill Trois pundes, and that ſtane to be divided in ſex-tene leill *SCOTTIS* poundes, and of it there ſall be ordained halfe a ſtane, a quarter, a halfe quarter, a pounde, halfe a pounde, and uther leſſe weichtes according thereto, with the quhilk all byares and ſellers of gudes within the Realme ſall buy and ſell-with, and with nane uther weichtes fra WHIT-SUNDAIE nixt to cum, and fra thence foorth their foreſaide Weichtes ſall have courſe.

58. *Of Water-mettes.*

ITEM, It is ordained that the Water-mettes, that nowe ar, ſall remaine and be uſed throw the Realme in time to cum, and in ilk place and Towne, quhair the gudes ar ſauld and mette be the water; there be

be ordained, be the Alderman, and the Baillies, ane leill man ſworne to mette all gudes, ſellable be the Water-mette, alſweill coales or uther gudes. And that the ſellares, or nane of their behalfe, intromet them in the metting of ſik gudes.

59. *Ferriers and Boate-men ſuld hæve Brigges.*

ITEM, It is ſtatute and ordained, that all Boate-men and ferryares, quhair Horſe are ferryed, ſall have for ilke boate a treene-brigge, quhair-with they maie receive within their Boates, travelleres Horſe through the Realme, un-hurte and unskaithed, under the paine of fourtie ſhillinges of ilk boate, fra *Whit-ſundaie* foorth nixt to cum.

60. *Of the maner of Weaponſchawinges.*

ITEM, It is ordained in the Second Parliament of OUR SOVERAINE LORDE the King, that ilke Schireffe of the Realme ſoulde gar Weaponſhawinges be maid foure times ilke zeire, in als monie places as were ſpeedeful, within his Bailliarie; bot the maner how Weaponſchawinges ſulde be received was not appoynted: Herefore OUR LORDE The King, throw the haill ordinance of his Parliament, ſtatutis, that ilke Gentle-man, havand ten pounds woorth of land or mair, be ſufficientlie harniſhed and armed with Baſnet, haill legge Harnes, ſworde, ſpeare, and dagger: and Gentlemen havand leſſe extentes of Landes, nor na landes, ſall be armed at their gudlie power, after the diſcretion of the Schireffes, bot all uther zeamen of the Realme, betuixt xvj. and ſextie zeirs, ſall be ſufficientlie bowed and ſchafted, with ſword & buckler & knife: And that all the Burgeſſes & indwellers within the Burrow tounes of the Realme in like maner be anarmed and harniſhed, & make Weaponſhawinges within the Burrowis of the Realme in like maner, foure times in the zeir, & that be the Aldermen and Baillies, upon the quhilk the Chalmerlane and his Deputes ſall knaw and execute the ſaid thinges. And that all men Seculares of the Realme, be weill purvayed of the ſaid harnes & weapones be the feaſt of the Nativitie of our Lord *Jeſus Chriſt* nixt to cum, under the paines followand: That is to ſay, of ilk Gentleman that defaultis at the firſt weaponſhawing fourtie ſchillinges, and at the other default fourtie ſchillinges, and at the thrid default, ten punds, and alſmeikle als oft-times as he defaultis after-ward: And of ilk bow-man at the firſt faulte ten ſchillinges, at the other default ten ſchillinges, and at the thrid fourtie ſchillinges. And ſwa furth als oft-times as he beis funden faultiſe afterward.

61. *Na man ſuld paſſe in* Ireland *without licence.*

ITEM, As to the paſſage betuixt *Scotland* and *Ireland*, it is ſeene ſpeedful to the Kingis Councel, that bidding be given be the King to all the Lordes, Schireffes, and all uther Officiares, upon the Frontiers of SCOTLAND, lying againſt IRELAND: that na Schipes, nor Gallayes, nor na man paſſe out of this land to IRELAND, without ſpecial leave of the Kingis Deputes, that ſall be ordained to ilk Haven: And for twa cauſes, and principallie, ſen the Kingis notoure Rebelloures are receipt in *Iriſhrie* in *Ireland*, and for that cauſe Paſſingers paſſed fra thine, micht do prejudice to this Realme; an uther cauſe is, that the men that are under *Iriſhrie* ſubject to the King of *England*, micht eſpy the privities of this Realme, and do great skaith, as is befoir written.

62. Scottiſ-men *ſuld bring na man furth of* Ireland, *without ane Teſtimonial.*

ITEM, It is ſene ſpeedful, that gif onie Schip-man of *Scotland* paſſis with letters of the Kingis Depute in *Ireland*, that he receive na man into his Schip to bring with him to the Realme of *Scotland*, bot gif that man have ane letter or certainetie of the Lord of that land, quhair he ſchippis, for quhat cauſe he cummis in this Realme.

63. *Anent* Ireland *men cummand in* Scottis *Schippes.*

ITEM, That quhen he cummis in onie Haven of *Scotland*, that he ryde on anker, and hald within ſhipbuird all men that he bringis with him, quhill he ſend for the Kingis Baillie, or a Depute of the Toune of the Haven, that he cummis in, that then men may examine and ſee of the Kingis behalfe their perſones, and quhat charge they have be letter or uther way, quhidder it be profite or prejudice to the King, or the Kinrik: And gif onie prejudice of the deede be founden, they ſall be arreiſted, and preſented to the Schireffis priſon, quhill the King have done his will on them.

64. *The ſtatute anent* Ireland *men.*

ITEM, That it be maid manifeſt be the Kingis Deputes upon the Frontiers, that is not done for hatred, nor breaking of the auld friendſhippe betuixt the King of *Scotland* and his Liegis: and the gude aulde friendſhippe of *Iriſhrie* of *Ireland*: Bot allanerlie to eſchew the perrel foreſaide. And gif onie man attempts in the contrarie of this, his gudes ſall be eſcheit to the King, and his bodie at the Kingis will.

65. *Of the Seſſion to be halden: of their power and expenſes.*

ITEM, OUR SOVERAINE LORDE the King, with conſent of his Parliament hes ordained, that his Chancellar, and with him certaine diſcreete perſones of the three Eſtaites, to be choſen and depute be OUR SOVERAINE LORDE the King, ſall ſit fra thine foorth three times in the zeir, quhair the King likis to command them: Quhilk ſall knaw and examine, conclude, and finallie determine all and ſindrie complaintes, cauſes and quarrelles, that may be determined before the King and his Councel. The quhilkis perſones ſall have their expenſes of the parties founden faultiſe, and of their unlawes: or utherwiſe, as is pleaſand to our SOVERAINE LORD the King.

66. *That everie man that hes nocht of his awin, ſall labour for his living.*

ITEM, The King with conſent of his Parliament, hes ſtatute and ordained, that ilk Schireffe of the Realme within his Bailliarie, inquire diligentlie, gif onie idle men, that hes not to live of their awin, be received within his boundes: after the quhilk inquiſition, the Schireffe ſall gar arreiſt ſik idle men, and gar keepe them in faſteneſſe quhill it be knawin, quhairupon they live. And that the countrie ſall be unskaithed of them: Thereupon the Schireffe ſall receive gude and ſicker burrowes. After the quhilk burrowes founden, the Schireffe ſall aſſigne fourtie daies to ſik idle men to get them Maiſters, or to faſten them to lawful Craftes. And they fourtie daies beand gane, gif they be founden mair idle, the Schireffe ſall arreiſt them againe, and ſende them to the Kingis priſon, to abide and be puniſhed at the Kingis will. And that this be done alſweil in Burrowes, as on lande throw all the Realme.

67. *Anent the extract and execution of the Actes of Parliament.*

ITEM, The King with conſent of his three Eſtaites of the Realme hes ordained, that all ſtatutes and ordinances of this Parliament, and of the twa Parliamentes preceidand be regiſtrate in the Kings Regiſter, and given to the Schireffes: quhilkis ſtatutes & ordinances, ilk Schireffe be halden to publiſh openlie in the chiefe place of his Schirefdome, & utheris notabil places, and als to give the copies of them baith to Prelates, Barronnes, and Burrowes of his Bailliarie, upon the expenſes of the askers: And that ilk Schireffe gar be keeped the tenour of this Acte, under the paine of deprivation of his Office. And that ilke Schireffe give open bidding to the people of his Bailliarie, baith to Land, and to Burgh, to keepe and fulfil all ſtatutes and ordinances maid in the ſaidis three Parliamentes, under the paine conteined in the Actes of them, ſwa that nane have cauſe till pretend, or alleage onie ignorance.

FINIS.

THE FOURTH

PARLIAMENT

Or ASSISE of

KING JAMES THE FIRST,

Of weichtes and meaſures, Halden at Perth, *the elleventh of Marche, the zeir of God, ane thouſand, foure hundreth, twentie ſex zeires; And of his Kinrik the twentie ane zeire.*

68. *Anent the meaſure of the Elne.*

IN THE Firſt they ordained and delivered, that the Elne ſall conteine thrittie ſeven inche, as is conteined in the ſtatute of King *David* the Firſt, made thereupon.

69. *What the ſtane ſall conteine.*

ITEM, They ordained and ſtatute, the ſtane to weygh iron, wooll, and uther Merchandice with, to conteine fiftene pound *Trois*, ilk *Trois* pound to conteine ſextene ounce, and that ſtane to be divided in halfe ſtane, quarter, halfe quarter, pound, halfe pound, and uther ſmaller.

70. *Of the diviſion and quantitie of the Boll, firlot, and water weichtes.*

ITEM, They ordained the boll to mette victual with, to be divided in foure partes, *videlicet*, foure firlottes to conteine a boll, and that firlot not to be maid after the firſt meaſure, nor after the meaſure now uſed, but in middle meaſure betuixt the twa.

ITEM, The boll ſall conteine in breadth twentie nine inches within the buirdes, and abone twentie ſeven inches and a halfe, even over-thort, and in deepeneſſe nineteene inches. ITEM, the firlot ſall conteine in breadth even over-thort ſextene inches under and abone within the buirdes, the thickneſſe of baith the buirdes ſall conteine ane inche and ane halfe, and in deepeneſſe it ſall conteine nine inche, the halfe Firlot, and the pecke thereafter followand, as effeiris. The firlot ſall conteine twa gallounes and a pynte: And ilke pynte ſall conteine be weicht of cleare Water of *Tay*, fourtie ane ounce: That is to ſaie, twa poundes and nine ounces *Trois:* Swa weyis the Galloune twentie pounde and aucht ounces: Swa weyis the Firlot fourtie ane poundes, and the Boll conteinand foure Firlottes, weyes aucht-ſcoir foure poundes. The aulde Boll firſt maid be King DAVID the Firſt, conteined a ſexterne, a ſexterne conteined twelve gallounes of the aulde mette: And ilke galloune weyed ten pound *Trois*, and foure ounce of diverſe Waters. Swa weyed the Boll ſex-ſcore three pounds, ſwa weyis the Boll new maid mair, then the auld boll xxxxj. pound, quhilk makis twa gallounes and a halfe, and a choppen of the auld mette, and of the new mette ordained nine pyntes and three mutchkinns.

71. *Anent unlawes for burning.*

ITEM, As anents fire, it is ſeene ſpeedeful that in ilk Burgh, or greate Haven Towne, and throuch-faire that is greate, that the Aldermen, Baillies, or the Governoures of the Tounes, ſee and gif bidding within their Tounes, that na Hempe, Lint, Stray, Haie, Hedder, nor Broome be put neare the fire, nor abone the low in fire houſes. And this be themſelfe or men under them, be ilk Moneth ſeene, and quha ſa after forbidding maid till him, be founden faultiſe, ſall paie ane unlaw, as faultiſe, in Burgh, als oft-times hee is founden faltiſe and unforgiven. And gif the Aldermen, Baillies or Governoures, of the Tounes be negligent in the execution thereof, they ſall be in fourtie ſchillinges to the King.

72. *Sellers of Haie and ſtraie ſuld have ane Lanterne.*

ITEM, That Sellers of Haie or Fodder in Burgh, cum not to their Haie-houſe with candle, but lanterne, under the paine of the ſamin unlaw, als oft as he beis founden faltiſe.

73. *That certaine ledders be founden ayreddie in the Burgh, for happening of fire.*

ITEM, That in ilk Burgh their be ordained of the commoun coaſte, ſex, ſeven or aucht Ledders, after the quantitie of the Burgh: twentie fute the ledder, and that they be keeped in a reddie place of the Toune, and to that uſe and nane uther, under the paine of the foreſaid unlaw. And of the ſamin wiſe there be ordained three or foure Sayes to the commoun uſe, and ſex or maa Cleikes of iron, to draw downe Timber and Ruiffes that ar fired.

74. *Of commoun women and huires.*

ITEM, That commoun women be put at the utmoſt endes of the Towne, quhair leaſt perrel of fire is: and that na man ſet them houſes in the heart of the Toun, under the paine of ane unlaw, or zit receipt them under the ſamin paine.

75. *Of fire, and the paines thereof.*

ITEM, Gif burning happenis in onie Toune, fra the Fyre be ſtanched, the Alderman, Baillies, and Governours of the Tounes, incontinent ſall inquire quhom throw, & how the fire happened, & it be founden on purpoſe deed, forefaultour ſall be punition to them, And gif it happenis of miſgovernance, & not of ſet purpoſe: if it be a ſervand & that ſervand have gudes, he ſall be puniſhed in his gudes, be the ſight of the Governoures of the Toune, and given to the man that thoilis the skaith, and ſine baniſhed the freedome for three zeires: And gif the ſervand hes na gudes, he ſall be doungin openlie at the mercat-croce, and throw the Toune, and ſine baniſhed that freedome for ſeven zeires.

ITEM, Gif it be a man that awe the houſe, and burnis it rekleſlie, or his wife, or his awin bairnes, quhidder his Nichtbours takis skaith or nane, attour the skaith and ſchame that he thoilis, he or they ſall be baniſhed that Toune for three zeires. And gif it be ane man that maillis the houſe, and burnis it rekleſly, he ſall amend the skaith after his power, and be baniſhed the Town for three zeires. And gif it be a ſtranger or a traveller, he ſall be arreiſted: gif he be of power, to amend the skaith and if he be not of power, he ſall byde in ſickerneſſe at the Kings will.

ITEM, Gif the Baillies and Governours of the Toune, findis na man in wyte, bot of ſuddaine

caiſe that may not be foreſeene, as wilde-fire, Rattones, or fowles, or ſik likeneſſe, the law leavis it unpuniſhed.

ITEM, Gif the Governoures of the Toune be negligent in the execution of their office, and this ordinance foreſaid in onie poynt, we leave them in ten pounds to the King of unlaw.

ITEM, That na fire be fetched fra ane houſe till ane uther within the Town, bot within covered weſhel or lanterne, under the paine of ane unlaw.

ITEM, Gif fire happenis in husband Tounes of Barronnies, we leave them to be puniſhed be their Lordes, in like maner as Baillies and Governours dois in Burgh.

FINIS.

THE FIFTH

PARLIAMENT

OF

KING JAMES THE FIRST;

Halden at Perth, *the laſt daie of September, the zeir of God, ane thouſand foure hundreth twentie ſex zeires.*

76. *Anent the cuſtomes of Salmound and uther fiſh.*

ITEM, It is ſtatute and ordained, that cuſtome be payed to the King, alſweill of indwellers within the Realme, as of fremmed men, in onie Burrowes of the Realme: And as of ſtrangers and unfreemen, of all Salmound and fiſh ſauld and bocht, and had outwith the Realme, out of onie Burgh of the Realme.

77. *Of Deakones of Crafts and their office.*

ITEM, The King of deliverance of Parliament hes ordained, that the Deakones of Crafts in Burrowes, ſtande till the nixt Parliament, in the maner as after followis: that is to ſay, that the Deakon of ilk Craft, ſall have na correction of the Craft, nor of na man thereof, bot allanerlie to ſee that the warke-men be cunning, and the warke ſufficient, the quhilk he ſall aſſay and examine everilk fifteene daies anis.

78. *Of the fees of Craftes-men, and price of their warke.*

ITEM, It is ordained, that the Aldermen and the Councel of ilk Toun ſworne, ſall ſee and price the mater, and the coaſte, and the travel of the warke-man, and thereafter priſe the made wark, how it ſall be ſauld, & that price make knawin to the Kings commouns and be oppen cryed.

79. *Of the fees of wark-men.*

ITEM, It is ordained that the Councel of the Toun ſall ſee and ordaine quhat fee wark-men ſall have for their handling of their Craft, that workis uther mennes warkes, as Wrichtes, Maſones, & uther ſik-like.

80. *Of Wrichtes and Maſones.*

ITEM, For quhy, that it is complained to the King & his Councel, that Wrichtes and Maſones takis attanis on hand monie warkes, quhilkis they may not, nor will not fulfill at the time they hecht, throw the quhilk the Kingis Lieges ar skaithed, and the honour and profite of the land letted. Therefore it is ordained be the King and the Parliament, that it be cryed in ilk Toune openlie, that na warke-man take mair warke on hande, then he may gudlie fulfil after his cunning, under the paine of tinſel of the price of ſa meikle warke that he takis on hande,

on hande, then he may gudlie fulfil to the King, and of the fulfilling of the warke that he takis on hande, upon his awin coaſt. And alſwa quhairа warke-man, outher willfullie or unrichteouſlie, lettis to fulfill the warke that he hes tane on hande, that ane uther man of that ilk Craft, refuſe not to take that on hande for reaſonable fee, under the paine of puniſhing of him at the Kingis will, ſwa that he be a warke-man knawin, and hes then nane uther warke on hande. *Of workmen delaying ande to ende their Warke.*

81. *Of ſawing and labouring of the ground.*

ITEM, The ſaid day, our Soveraine Lord the King, with conſent of the haill Parliament ordained, that throw all the Realme, ilk man teilland with a pleuch of aucht Oxen, ſall ſaw at the leaſt ilk zeir a Firlot of quheate, halfe a Firlot of peaſe, & 40. beanes, under the paine of x. s. to the Barronne of the land that he dwellis in, if he ſawis it not, & as oft as he beis founden faultiſe. And gif the Barronne ſawis not the ſaid corne in like maner in his Domaines, he ſall paie to the King fourtie ſhillinges: And gif the Barronne be founden negligent in the raiſing of the ſaide paine on his husbandes, there ſall be raiſed on him fourtie ſhillinges, als oft times as he defaultis, without remiſſion.

82. *Anent the bigging of Caſtles in the* North.

ITEM, It is ordained, that ever-ilk Lord havand land bezond the *Month*, in the quhilkis landes in aulde times their was Caſtles, Fortalices and Manour-places, big, reparrel, and reforme their Caſtles & manours, & dwell in them be themſelfes, or ane of their friendes, for the gratious governal of their landes be gude policie, and to expende the frute of their landes, in the Countrie, quhair the landes lyes.

FINIS.

PARLIAMENTUM SEXTUM

Tentum Apud PERTH, Die Martis, Primo Die Menſis Julii, Anno Domini, Milleſimo, Quadringenteſimo, Viceſimo Sexto; Et Regni Domini Noſtri Regis, JACOBI, *viceſimo ſecundo, ſummonitis & vocatis more ſolito & debito Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & aliis regni Libere-tenentibus, qui de dicto Domino Noſtro Rege tenent in capite, & de quolibet Burgo regni certis Burgenſibus, qui ad hoc ſummoniti fuerunt, comparentibus omnibus illis qui debuerunt & voluerunt commode intereſſe, Abſentibus quibuſdam aliis, quorum quidem aliqui legitime excuſati fuerunt: alii vero quaſi per contumaciam ſe abſentaverunt, quorum nomina patent in rotulis ſectarum, quorum quiſque adjudicabatur in amerciamento decem librarum.*

83. That Judges ſall be ſworne to determine all cauſes after their cunning.

Eodem Die Rex, per modum ſtatuti, ordinavit, quod debinc omnes & ſinguli ad quaſcunque cauſas & querelas terminandas, in quocunque futuro Parliamento eligendi, jurabunt ad Sancta Dei Evangelia, ut omnes & ſingulas cauſas & querelas coram eis proponendas & terminandas abſque favore vel odio, fraude ſeu colore aliquo, juxta ſuas ſcientias, fideliter & juridice terminabunt.

84. That na Clerkes nor laicks pas furth of the Realme: And of their finance.

DIE Lunæ, ſeptimo menſis Julij *Anni ſupradicti, Rex ex conſenſu totius Parliamenti, ſtatuit & ordinavit, quod omnes & ſinguli clerici regni ſui ad partes ultramarinas, quacunque de cauſa navigantes, ſeu ſe transferentes, faciant cambia ſua de moneta, pro eorum expenſis extra regnum faciendis, cum campſoribus infra regnum conſtitutis, vel ſaltem cum mercatoribus infra regnum, de quo cambio ſuo, & cum quo campſore vel mercatore facta fuerint, certificent Cancellarium Domini noſtri Regis pro tempore exiſtentem, & de tranſitu ſuo extra regnum. Laicus vero quicunque ad partes ultra-marinas ſe transferens, teneatur conſimiliter facere cambia ſua infra regnum, ut præmittitur, ſuper quo certificet Camerarium* Scotiæ *per ſufficientia documenta, & de cauſa tranſitus ſui, ſub pœna viginti librarum, viſibus Domini noſtri Regis, applicandarum.*

85. Anent Hoſtellaries.

ITEM, *Eodem die Rex mandavit univerſaliter omnibus Burgenſibus de regno, quod faciant fieri Hoſtellaria ſeu hoſpitia publica in Burgis, honeſta & competentia more aliorum regnorum, ad recipiendum omnes & ſingulos hoſpites, tam pedeſtres, quam equeſtres per regnum laborantes, ſub pœna ſuper hoc in acto Parliamenti conſtituta.*

86. Of downe-putting of Deakones of Craftes.

DIE *Veneris, videlicet undecimo menſis ſupradicti, quia ordinationes factæ in Parliamentis præcedentibus, ſuper artificum Decanis in Burgis Regni, tendebant ad noxam & commune totius regni diſpendium, Rex ex trium Regni ſtatuum deliberatione, ipſas ordinationes revocavit, & illas totaliter annullavit, inhibendo de cetero, ne tales Decani in aliquibus Regni Burgis, inter artifices eligantur, nec etiam alias electi, ulterius exerceant officia Decanorum, nec faciant ſuas congregationes conſuetas, quæ conſpirationes ſapere præſumuntur.*

87. The forme of Proces, and the paine of the Judge not keipand the ſamin.

ITEM, *Eodem die ad parcendum expenſis & vexationibus pauperum in curia ſpirituali litigantium, & ad breviandum lites, pro expedienti fuit ordinatum in cauſis civilibus & prophanis, quod ad inſtantiam laici actoris, Clericus reus citetur per ſuum ordinarium, vel ejus officialem ad certum diem peremptorie, apponendo cauſam in citatione, propter quam reus citatur ad comparendum ſcilicet, reſponſurus ſub pœna excommunicationis: Quo die adveniente, reus habet litem conteſtari. Quod ſi reus fatetur petitum, moneatur ad ſolvendum infra quindecim dies, ſub pœna excommunicationis: ſi vero deneget petitum, aſſignetur terminus actori, ad producendum omnes ſuas probationes peremptorie, juxta arbitrium Judicis: Quo die adveniente, & receptis hujuſmodi probationibus, aſſignetur terminus reo ad producendum omnes ſuas exceptiones & defenſiones peremptorie, juxta arbitrium Judicis: Quo adveniente receptiſque exceptionibus & defenſionibus; aſſignetur terminus ad concludendum & ad ſententiam diffinitivam proferendam, ſi liqueat: ſic quod infra quadraginta dies, a tempore executæ citationis ſententia feratur, a qua nulla pars frivole appellet, nec Judex tales appellationes admittat. Et ſi Judex infra quadraginta dies, propter defectum vel negligentiam non fecerit complementum Juſtitiæ, vel frivolas exceptiones admittat, & de hoc coram ſuo ordinario convictus fuerit, ſit ipſe debitor principalis parti conquerenti. Et quod iſtud ſtatuatur de preſenti authoritate Concilii Provincialis.*

88. Of the election of the Overſ-man in arbitrie.

ITEM, *Ordinatum eſt ſuper omnibus & ſingulis cauſis, infra Regnum, nunc pendentibus ſub compromiſſo, ſi inter Clericos arbitri ſint electi in pari numero, per dioceſanum Epiſcopum, de concilio ſui capituli, diſpar perſona, partibus non ſuſpecta, eligatur. Si vero inter Barones vel quoſcunque alios laicos, extra burgum commorantes, tunc eligatur diſpar perſona neutri partium ſuſpecta per Vicecomitem, infra cujus balliam partes compromittentes commorantur, de Concilio tamen Baronum, quos Vicecomes ille commode pro tempore habere poterit, neutri partium ſuſpectorum. Si autem inter Burgenſes, ſeu alios habitantes infra burgos arbitri ſint electi, tunc diſpar perſona non ſuſpecta, per Præpoſitum & Concilium Burgi, infra quem partes inhabitant, eligatur. Ad negotia vero cauſas & lites futuras per arbitria terminandas, arbitri de cætero in diſpari numero & non in pari eligantur. Arbitria autem aliter inita & facta, nullius ſint roboris vel momenti.*

89. That the cauſe of all Merchandes, deade out-with the Realme, be decided within.

ITEM, *Eodem die Rex, ex deliberatione trium ſtatuum in Parliamento congregatorum, decrevit, quod cauſæ omnium Mercatorum & incolarum regni* Scotiæ *in* Zelandia, Flandria, *vel alibi extra regnum decedentium, qui ſe cauſa mercandiſarum ſuarum, peregrinationis, vel aliqua quacunque cauſa (dummodo cauſa non morandi extra Regnum) ſe tranſtulerunt, debent tractari coram ſuis ordinariis infra regnum, a quibus ſua teſtamenta confirmantur, non obſtante quod quædam ex bonis hujuſmodi decedentium, tempore ſui obitus fuerunt in* Anglia, *vel in partibus tranſmarinis.*

90. *The manſlayer ſuld be perſewed, until he be put foorth of the Realme, or brocht againe to the place of the ſlauchter.*

IN The firſt, quhair onie man beis ſlaine within the Realme, alſweil within Regalitie as within Royaltie: and in Burrowes as to land, that incontinent without delay, als faſt as the Schireffe beis certified thereof, outher be the partie, or be onie utheris; he ſall paſſe and perſew the ſlayers ane or maa, and raiſe the Kingis horne on them, and raiſe incontinent the Countrie in his ſupporte, quhill he be over-tane. And gif he may be over-tane, he ſall be put in ſicker faſtenance, quhill the Law be done on him: And that ſall be done within

within fourtie daies at the fartheſt: and be it reid hand, it ſall be done within that ſun. And gif he eſcape out of that Schireffedome un-arreiſted, the Schireffe ſall write or ſend ane of his officiares to the Schireffe of that nixt Schireffedome, and certifie him of ſik men, that hes done ſik fellonie againſt the King, and ar fugitive fra the Law, and then ſall that Schireffe perſew him or them out throuch his Schireffedome, in the ſamin maner, as the other did before, without delay. And ſwa foorth fra Schireffe to Schireffe, quhill he be over-tane, or put out of the Realme. And gif he happenis to flie in Regalitie, out of the Royaltie, the Schireffe ſall certifie the Lord of Regalitie, or his Stewart or Baillie, the quhilk ſall perſew the treſpaſſour in like maner as the Schireffe, as is foreſaid. And quhair ever he happenis to be takin, that Schireffe, Stewart or Baillie of the Regalitie, ſall ſend him to the Schireffe or his Baillie of the nixt Schireffedome, the quhilk ſall receive him, and ſend him to the nixt Schireffe, and ſwa foorth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the Schire, quhair the deede was done, and there ſall the Law be miniſtred to the partie, as is foreſaid: And gif it be fore-thoucht fellonie, he ſall die therefore.

91. *He quha is fugitive for ſlauchter, ſuld be openlie proclaimed, and his receipters puniſhed.*

AND Gif it happenis the man fugitive to eſcape throw diverſe Schireffedomes, that Schireffe or Schireffes, that he hes eſcaped fra, ſall paſſe to the chiefe Burgh of his Schireffedome, and there gar cry openlie and proclaime, that ſik a man hes done to the King ſik a fellonie and treſpaſſe againſt his Majeſtie, and is fugitive fra the Law: and there forbid that na man houſe nor herberie him, receipt him, or give him ſupport or helpe in onie degree, under the paine of life and gudes.

92. *Of ſlauchter in the Barronnie.*

ITEM, Gif a man be ſlaine in the Barronnie, the Barronne or his Officiares ſall arreiſt him, and gif he be infeft with ſik freedome, he ſall do the Law, as is before ſaid, or elſe preſent him to the Schireffe or his Miniſters: and eſcaipe he un-arreiſted out of the Barronnie, and afterward it may be knawin be ane aſſiſe, before the Juſtice or the Schireffe, that the Barronne micht have arreiſted him, and outher for ſleuth or favour let him paſſe unarreiſted: The Barronne ſall pay to the King twenty pundes. And he eſcaipe in the default of the Barronne, Serjant, or Baillie of the Barronnie, they beand required or warned, if they be not of power to pay twentie poundes, they ſall remaine in the Kingis priſon, quhill they over-take the Kingis will thereupon.

93. *Of ſlauchter in Burgh.*

ITEM, In like maner ſall the Officiares of the Burgh doe, gif onie man be ſlaine within Burgh, they ſall take him gif he may be over-tane, and put in ſuretie, quhill the Judge may be warned, that hes power to do the Law, and gif the Aldermen and Baillies hes na power to do the Law, there the Judge havand power ſall receive the treſpaſſoure, and miniſter the Law within the time foreſaid.

94. *Of ſlauchter in Regalitie, and officiars thereof.*

ITEM, It is ſtatute, that gif ony Schireffe or Miniſter of Regalitie, that miniſteris not the Law, as is before ſaid, and that may be over-taken on him, outher be an aſſiſe before the King or his Juſtice, or be witneſſing of gud, worthy & trew men, that is to ſay, three or foure or five or maa, he ſall be in the Kingis priſon fourtie daies, and to pay the King fourtie poundes, and the croy to the narreſt of the kin of the ſlaine man.

95. *Of the Lord of Regalitie, and Magiſtrates within Burgh negligent in their offices.*

ITEM, It is ſtatute, that gif the Lord of Regalitie be warned, and executis not the Law, nor garris his Officiars execute it, as is before ſaid, he ſall be in like paine to the King, as is the Schireffe. And gif the Miniſter of the Regalitie faillis in the execution, as is before ſaid, he ſall be puniſhed be the Lord of Regalitie, in maner as the Schireffe ſall be puniſhed be the King. And richtſwa Aldermen and Baillies in Burgh, ſall be puniſhed be the Kingis Juſtice, gif they failzie in the execution of the Law, as is foreſaid.

96. *Of inquiſition of fore-thought-fellonie, to be taken be an aſſiſe.*

ITEM, It is ſtatute, that gif onie man barganis outher in burgh or land, quhidder that the partie pleinzie or not, that the officiares, that is to ſay, Alderman, Baillies, or the Serjandes in the abſence of the Baillies, ſall arreiſt baith the parties, and that ſamin day, gif it be before the Sun goe doune, and na haliedaie, ſall give them the knawledge of ane aſſiſe, quhidder it be fore-thought-fellonie or ſuddainelie done. And gif it be ſuddainelie done, demaine them as the Law treatis of before, and gif it be fore-thoucht-fellonie, his bodie to be put in priſon, quhill he amend to the partie, be the ſight of leill and trew men before the Schireffe, gif it be Royaltie: and richtſwa before the Lord or his Baillies in the Regalitie, and before Alderman and Baillies in Burgh, he ſall garre amendis bee maid after the quantitie of the treſpaſſe done to the partie, and demained ſyne as Law will.

97. *Of the Fugitoure in fore-thought-fellonie, fra burgh to lande.*

BE The adviſe of the haill Parliament, it is ſtatute & ordained, gif ſik bargane happenis to be in Burgh, & be called fore-thoucht-fellonie, & the deed-doar eſchaip un-arreiſted fra the Alderman and Officiares of the Towne, and flies the Law; but delaie the Alderman or Baillies ſall write to the Schireffe or the Officiares to the Regalitie quhair he happenis to be receipt, & certifie them of his miſdeede, and that he is fugitive fra the Law, and then ſall they perſew him as a fugitive, and ſend him againe quhair the deed was done, and to abyde the Law but delay, after as he hes maid default.

98. *Injurie or ſlauchter done be him, quha is friend to aſſured perſones.*

ITEM, It is ſtatute, that quhair two parties diſcordis, and after are put under Burrowes, ilk ane aſſured of uthers, and their purchaſe, after that anie of their friendes thinks, that thocht the principal parties be aſſured, hee is not aſſured, cummis and outher hurtis or defoulis the partie that is contrary to his friend or ſlayis: And gif he ſlayis, he ſall die therefore, and tyne all his gudes, as eſcheitte to the King, and gif he hurts or defoulis with fellonie aſſailzieand with edge or vre, he ſall remaine in priſon but remeid, quhill aſſyith be maid to the partie, and amendis to the King, or to the Lord, that it belangis to, as effeiris.

99. *The Countrie men nocht aſſiſtand the Schireffe ſuld be puniſhed.*

ITEM, Gif it happenis the Schireffe, to perſew fugitoures with the Kingis horne, as is foreſaid, and the Countrie riſe not in his ſupport, they, all, or parte, hearand the Kingis horne, or beand warned be the Maires, and followis not the out-horne, and that may be over-tane upon them be ane aſſiſe before the Schireffe, ilk Gentle-man ſall paye to the King unforgiven fourtie ſhillinges, and ilk zeaman twentie ſhillinges.

100. *That Maires and Serjands have wandes and Hornes.*

ITEM, Fra thine foorth, it is ſtatute and ordained, that ilk Officiar of the Kingis, as Maire, or Kingis Serjand, and Barronne Serjand, ſall not paſſe in the Countrie, nor Barronne Serjand in the Barronnie, but ane horne and his wand, and that ſall be in this maner.

THE Kingis Officiar as is foreſaid, ſall have an horne, and ilk ane a read wande of three quarters of ane zairde lang at the leaſte, and the Officiars of the Regalitie ane Wand of the ſamin length, th'ane end reade, th'other ende quhite, and ane horne quhair he paſſis within the Regalitie. The Barronne Serjand ane horne and a quhite wand of ane elne lang, the Serjand of the Burgh ane reade wand allanerlie, like the Kingis Officiar, and als oft as hee beis founden without his wand in the Burgh, hee ſall paie aucht ſhillinges un-forgiven to the Kinge: and there-attoure to abide challenged before the Chalmerlaine. And gif the Kings Serjand hes not horne and wand, as is foreſaid, he ſall be challenged before the Schireffe at the heade Courtes. And gif he be convict, he ſall paie fourtie ſhillinges to the King. And richtſwa the Serjand of the Regalitie ſall be challenged at three heade Courtes before the Lorde of the Regalitie. And gif he be convict, he ſall paie till his Lorde fourtie ſhillinges. And gif the Barronne Serjand defaultes, he ſall be puniſhed after the unlaw of the Barronne Courte. And that ilk Serjand be thus purwayed be xv. daies nixt after *White-ſundaie* nixt to cum.

FINIS.

IN

IN PARLIAMENTO SEPTIMO

Vel CONCILIO GENERALI Illuſtriſſimi Principis Domini JACOBI, Dei Gratia, Regis SCOTIÆ, tento apud PERTH, primo die Menſis Martii, Anno Domini Milleſimo Quadringenteſimo viceſimo ſeptimo: *Et Regni Domini Regis viceſimo tertio, cum continuatione dierum & temporum, ſummonitis & vocatis more debito & ſolito, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & Libere-tenentibus, qui de Domino noſtro rege tenent in capite, & de quolibet Burgo certis Burgenſibus, comparentibus omnibus illis qui debuerunt, voluerunt, & potuerunt commode intereſſe, quibuſdam vero abſentibus, quorum aliqui legitime excuſati fuerunt, aliis ſe contumaciter abſentantibus, quorum nomina patent in Rotulis ſectarum, quorum quilibet adjudicatus fuit in amerciamento decem librarum, ob ſuam contumaciam.*

101. Of them, that hes Merchandice out of the Realme uncuſtomed,



IE Veneris, quinto menſis Martii *ſupradicti:* The King with conſent of the three Eſtaites, ſtatute and ordained, that they that hes out of the Realme merchandice, not payand the cuſtome, outher gold or ſilver, gif they be preſent or convict, or gif they be out of the Countrie, gif the King hes cleare document thereof, that without onie doome they be baniſhed, and uther paines maid againſt them, ſtandand nevertheles in their force, out-takand them that is in hoſtage for the King in *England*, for quhais coſtage how it ſall be maid, the King ſall ordaine the maner.

102. *That ſmall Barronnes and free-halders needis not to come to Parliamentes.*

ITEM, The King with conſent of the haill Councel, Generallie hes ſtatute and ordained, that the ſmall Barronnes and free-tennentes neid not to cum to Parliaments nor General Councels, ſwa that of ilk Schireſdome their be ſend, choſen at the head Court of the Schireſdome, twa or maa wiſe men, after the largenes of the Schireſdome, out-tane the Schireſdomes of *Clakmannan* and *Kinroſſe*, of the quhilkis ane be ſende of ilk ane of them, the quhilk ſall be called Commiſſares of the Schire, and be thir Commiſſares of all the Schires ſall be choſen ane wiſe man and expert, called the commoun Speaker of the Parliament, the quhilk ſall propone all and ſindrie needis and cauſes, perteining to the commounes in the Parliament or General Councel, the quhilkis Commiſſares ſall have full and haill power of all the laif of the *S*chireſſedome, under the witneſſing of the *S*chireſſis ſeale, with the ſeales of diverſe Barronnes of the *S*chire, to heare, treate, and finallie to determine all cauſes to be proponed in Councel or Parliament: The quhilkis Commiſſares and *S*peakers, ſall have coſtage of them of ilk *S*chire, that awe compeirance in Parliament or Councel, and of their rents, ilk pound ſall be utheris fallow to the contribution of the ſaid coſtes. All Biſhoppes, Abbottes, Priors, Dukes, Erles, Lordes of Parliament, and Ban-rentes, the quhilkis the King will be received and *S*ummound to Councel and Parliament, be his ſpecial precept.

103. *The price of ilk warkmanſhippe.*

ITEM, It is ſtatute and ordained, that men of craftes within Burrowes, ſall have for a zeir to cum, of everie craft a Wardane, choſen be the Councel of the Burgh: The quhilk Wardane with Councel of uther diſcreete men unſuſpected, aſſigned till him be the ſaid Councel, ſall examine and priſe the mater and the warkman-ſhippe of ilk craft, and ſet it to a certaine price, the quhilk gif onie breakis, the ſaid Wardane ſall puniſh the breakers in certaine paine, quhom gif he puniſh not, the Alderman, Baillies and Councel of the Burgh, ſall puniſh them in certaine paine: quhom gif they puniſh not, the King ſall have a certaine paine of that Burgh. The paine of the breakers of the price ſall be eſcheit of the ſamin thing, of the quhilk the priſe beis broken of, to be applyed th'ane halfe to the Wardaine of that Crafte, and th'other halfe to the commoun woorke of that Burgh, quhair it beis ſeene maiſt expedient. The paine of the priſer gif he bee negligent and puniſh not, ſall be in the unlaw of the Burrow Courte, als oft as hee beis convict culpable and faultiſe, ſall be applyed for the halfe to the commoun purſe of the Toune, and for th'other halfe, quhair it beis maiſt expedient, to the wark of the Toune. The paine of the Alderman, Baillies and Councel of the Burgh, that beis negligent in the puniſhing of the ſaid Wardan, als oft as they default, ſall be in ten pund to the King, and ſall be raiſed after that they be challenged and convict be the Chalmerlaine and his deputes in the Chalmerlaine air, ance in the zeir. The quhilk ordinance ſall be extended to Maſones, Wrichtes, Smithes, Tailzeoures, Wobſtares, and all uthers in likewiſe generallie, quhais fees and handling ſall be pryſed, as is

before ſaid. And attoure to Landwart in Schireffedomes ilk Barronne ſall garre priſe in their Barronnies and puniſh the treſpaſſoures, as the Wardane dois in the Burrowes, and gif the Barronne dois not, the Schireffe ſall puniſh the Barronne, and gif the Schireffe dois not, they ſall bee in amercement to the King, as the Alderman, Baillies, and Councel in Burrowes, and the Alderman Baillies and Councell in Burrowes ſall inquire ilk moneth at the leaſt, gif the Wardenis of the craftes price weill, and puniſh the treſpaſſoures: and gif onie man complainis of over greate price, or of he breaking of the price, maid or, ſet to the Aldermen, Baillies, and Councell: that they puniſh the breakers of the price, and garre the partie complainand be aſſyithed, under the paine foreſaid.

104. *Of Beggers.*

ITEM, The King hes ſtatute, with conſent of his haill Parliament and Councell, and eiked to the ſtatutes maid in his Parliament of Beggers: that in Burrowes, the Chalmerlaine in his air ilk zeir ſall inquire, gif the Aldermen and Baillies have keeped the ſtatute: And gif they have broken it, they ſall be in fourtie ſhillinges to the King.

105. *The* Woolfe *and* Woolfe-birdes, *ſuld be ſlaine.*

ITEM, It is ſtatute and ordained be the King, with conſent of his haill Councell, that ilk Barronne within his Barronnie in gangand time of the zeir, chaſe and ſeeke the quhelpes of the *Woolfes*, and gar ſlaie them, And the Barronne ſall give to the man that ſlayis the *Woolfe* in his *B*arronnie, and bringis the *B*arronne the heade, twa ſhillinges. And quhen the *B*arronnes ordainis to hunt and chaſe the *Woolfe*, the tennentes ſall riſe with the *B*arronne, under the paine of ane Wedder of ilk man, not riſand with the *B*arronne. And that the *B*arronnes hunt in their *B*arronnies and chaſe foure times in the zeir, and als oft, as onie *Woolfe* béis ſeene within the *B*arronnie. And that na man ſeeke the *Woolfe* with ſchot, but allanerlie in the times of hunting of them.

106. *Anent Lipper folke.*

ITEM, That na Lipper folke, nouther man nor woman, enter nor cum in an *B*urgh of the Realme, bot thriſe in the oulk, that is to ſaie, *Monondaie*, *Wedneſdaie*, and *Fridaie*, fra ten houres, to twa after noone; And quhair Faires and Mercattes fallis on thay dayis, that they leave their entrie in the *B*urrowes, and gang on the morne to get their living.

ITEM, That na Lipper folke ſit to thig, nouther in Kirk nor in Kirke-zaird, nor uther place within the Burrowes, bot at their awin Hoſpital, and at the Porte of the Towne, and uther places out-with the Burrowes.

ITEM, That the Biſhoppes, Officialles, and Deanes inquire diligentlie in their viſitation of ilk Paroche Kirk, gif onie he ſmitted with Lipper. And gif ony ſik be foundin, that they be delivered to the King, gif they be ſeculares: And gif they be Clerkes to their Biſhoppes. And that the Burgeſſes gar keepe this ſtatute, under the paine conteined in the ſtatute of Beggeres. And quhat Leprous that keepis not this ſtatute, that he be baniſhed for ever off that Burgh, quhair he diſobeyis, and in likewiſe to Landwart.

107. *Anent the paſſage of Clerkes out of the Realme, and of Barratrie.*

ITEM, It is ſtatute and ordained, that na Clerkes, religious nor ſeculare, paſſe out of the Realme, bot gif he cum to his ordinar firſt, or then to the Chancellar of the Realme, and ſchaw to them gude and honeſt cauſe of his paſſage, and mak faith to them, that he do na barratrie and have his letters of licence and witneſſing thereupon. And gif onie dois the contrarie, or makis barratrie, fra it be kend with ſufficient and gude document, that he underly the ſtatute maid againſt them that hes money out of the Realme. And that this ſtatute be not allanerly extended to them, that dois barratrie in time to cum; bot als to them outwith the Realme now, that beis convict of barratrie. And als the King forbiddis, that onie of his Lieges ſend onie expenſes till ony barratour, that is now out-with the Realme, or give them helpe or favour, in quhat degree that ever they atteine to, quhill they cum hame in the Realme, under the paine of breaking of the act of Parliament.

108. *That nane interpreit the Kingis ſtatutes wrangeouſlie.*

ITEM, The King of deliverance of Councell, be maner of ſtatute forbiddis, that na man interpreit his ſtatutes utherwaies, then the ſtatutes bearis, and to the intent and effect, that they were maid for, and as the maker of them underſtoode: And quha ſa dois the contrarie, ſall be puniſhed at the Kingis will.

109. *Wilde fowles forbidden to be taken.*

ITEM, That na Partrick, plovers, black-cockes, gray-hennes, na mure-cockes, nor ſik fowles be tane with na maner of inſtruments, ſra the beginning of Lentron, quhill *Auguſt*, under the paine of fourtie ſhillinges. And that indictment paſſe thereupon be the Juſtice Clerke.

FINIS.

IN

IN PARLIAMENTO OCTAVO

Vel CONCILIO GENERALI Illuſtriſſimi Principis JACOBI, Dei Gratia Regis SCOTIÆ, Tento Apud *PERTH*, & inchoato, ratificato & approbato, tanquam ſufficienter & debite præmunito, per tres Regni ſtatus, duodecimo die Menſis *Julii*, Anno Domini, Milleſimo, Quadringenteſimo, viceſimo octavo, cum continuatione dierum & temporum, ſummonitis & vocatis, debito modo & more ſolito, Epiſcopis, Abbatibus, Prioribus, Comitibus, Baronibus, & omnibus libere-tenentibus, qui tenent in capite, de dicto Domino noſtro Rege, & de quolibet Burgo regni certis Burgenſibus, comparentibus omnibus illis, qui debuerunt, voluerunt, & potuerunt intereſſe, quibuſdam vero abſentibus, quorum quidam fuerunt legitime excuſati, aliis per contumaciam ſe abſentantibus, quorum nomina patent in rotulis ſectarum, quorum quilibet adjudicatus fuit in amerciamento decem librarum, ob ejus contumaciam.

110. Of the aith to be maid to the Queene, be the Clergie and the Barronnes.

QUO Die *Dominus Rex, ex deliberatione & conſenſu totius Concilii, ſtatuit, quod omnes & ſinguli ſucceſſores Prælatorum Regni quorumcunque, necnon omnes & ſinguli hæredes futuri Comitum, Baronum, omniumque Libere tenentium Domini Regis; teneantur facere conſimile juramentum Dominæ noſtræ Reginæ. Nec ullus Prælatus de cetero admittatur ad ſuam temporalitatem, aut hæres cujuſuis tenentis Domini* Regis *ad ſuas tenendrias, niſi prius præſtet* Reginæ *illud juramentum.*

111. Anent fugitoures fra the King or his Lieu-tennent.

QUO Die *conſenſum fuit & ſtatutum quod omnes & ſinguli fugientes a* Rege, *vel alio quocunque ejus locum tenente, punientur ſicut rebelles publici, & notorii.*

FINIS.

THE NINTH

PARLIAMENT

OF

KING JAMES THE FIRST,

Halden at Perth, *the ſext daie of March, the zeir of God, ane thouſand, foure hundreth, twentie nine zeires.*

112. *Of Maires of fee, their offices, attachementes and election.*

IN the Firſt of the power of the ſummonder, It is ſtatute and ordained, that a Maire of fee, quhidder hee bee Maire of the Schireffedome, or of parte, ſall have power to preſent ane ſufficient perſon or perſones, and able to the Schireffe in Courte to be Deputes under him, quhilkis ſall be ſworne in the plaine Courte to the ſaide Office, and admitted be the Schireffe, and given the wand. He ſall ſchaw nane other power in his attachementes, nor in his ſummoundes making, bot allanerly the precept of his over-man, the quhilk commandis him to make the ſummondes. And ſwa ay till indure and miniſter in the ſaid office, quhill his power be lauchfully revoked in Court be his Ordinar. And ſwa in the Schireffedomes quhair there is Maires of fee in a warde, and not in anie other, the Schireffe ſall chooſe ſufficient and able perſones, ane or maa, after as the cuſtome of the Schireffedome is, the quhilk ſall be choſen be him, with the conſent of the members of the Courte, and ſworne in Courte and admitted, and miniſter all thinges pertenand to the ſaid office.

113. *Of the execution of Summoundes, and verification thereof.*

ITEM, It is ſtatute, that the ſummonder ſall ſummond, & make his rehearſe in courte, quhidder he likis be writ or toung, keiping the ſex termes of Summoundes: Swa that he have ſufficient witneſſe of diverſe Barronnies, as is conteined in the Lawe, the quhilkis ſall ſweare in Court, that they byſtude, ſaw and hearde, and for witneſſe were tane, quhair that Summoundour maid the Summoundes, in maner and forme, as is conteined in that writ, and he ſall have freedome to reade the Summoundes, or gar reade them gif he cannot, but onie exception.

114. *Anent exceptiones and ſubſtantial heades of the Briefe.*

ITEM, It is ſtatute and ordained, that fra thine furth their ſall nane exception availe againſt the Kingis brieves, quhidder they be lang written or ſchort, ſwa that they halde the forme of the brieve, ſtatute in the Law of before, congruit and not raiſed, nor blobbed in ſuſpect places, that is to ſay, in the name and the ſurname of the follower, & of the defender, and the name of the land, or of the cauſe, upon the quhilk the brieve was purchaſed, and the dait.

115. *Of eſſonzies to be maid in Court.*

ITEM, It is ſtatute and ordained, that there ſall be nane Eſſonzeour admitted in courte, but gif he have a power ſpecified for that cauſe, for him that he eſſonzies, and finde Burrowes to prove his eſſonzie, at the nixt court, as the Law requiris. And nane eſſonzies to bee admitted in court, bot the eſſonzies ſtatute and written in the Law of before, or gif a pure man fall ſuddenlie ſeik, twa leill men, his Nichtboure, or his Paroch Prieſt ſall ſweare it, and that to be admitted for that daie.

116. *Anent a Borgh to be founden in court.*

ITEM, It is ſtatute and ordained, that quhair a Borgh is founden in a Court, upon a weir of Law, that the partie defender, as to that Borgh, ſall have freedome to be adviſed, and ask leave thereto, and ſall have leave and quhidder he will be adviſed within Courte or without Courte, findand Borrowes of his entrie, and his anſwere within the houre of cauſe, at the conſideration of the Judge and the Court.

117. *Of the doomes falſing.*

ITEM, It is ſtatute and ordained, that quha ſa will fals doome, ſall not remoove out of the place he ſtands in, quhen the doome is given, nor zit be adviſed with na man, quhill the doome be againe called, and that ſall be that a man may gang eaſely fourtie paſe, & to be conſidered after the conſideration of the Judge and the courte, and gif it be againe called, be ane Advocate of the partie, hee beand admitted anis to ſpeake for that partie in the Courte be name and ſurname, it ſall not neede him to rehearſe his awin name, nor the Dempſtaris in the doome falſing, bot allanerlie to ſay, THAT DOOME IS FALS, STINKAND, AND ROTTEN IN THE SELFE, AND THEIRTO A BORGH, and aſſigne a reaſon, proteſtand for maa.

118. *He quha reconteres ane Borgh, and abſentis himſelfe thereafter, tynis his action.*

ITEM, It is ſtatute and ordained, that quhair two parties appearis at the Barre, and the tane ſtryke a Borgh upon a weir of Law, th'other partie ſall have leave to be adviſed, gif he will aske it, quhidder he will recounter it or not, as is foreſaid: and gif he recounters the Borgh, and ſtrenthins it with reaſones, hee and his partie be remooved the Court. And gif it happenis them baith, or ane, till abſent them, and cum not againe to the doome giving of the decreet, quha ſa at the doome giving, cummis not againe, ſall remaine in ane unlaw of the Court, and tyne the action, for the quhilk the Borgh was foundin, and the recounter never to be harde nor haye remeid to againe ſay that doome.

119. *Anent the perſones that ſall weare claithes of Silke and Furringes.*

ITEM, It is ſtatute, that na man ſall weare claithes of Silk, nor Furrings of Martrickes, Funzies, Purry, nor greate nor richer furring, bot allanerlie Knichtes and Lordes of twa hundreth markes at the leaſt of zeirlie rent, and their eldeſt Sonnes and their aires, but ſpecial leave of the King, asked and obteined. And none uther were broderie, Pearle, nor Bulzeone, bot array them at their awin liſt in all uther honeſt arraiments, as ſerpes, beltes, broches, and cheinzies.

120. *Anent the perſones that ſall be haill harniſhed and weill horſed.*

BE. The adviſe of the haill Parliament it is ſtatute and ordained, that ilk man that may diſpend zeirlie twentie pund, or an hundreth pund in movable gudes, that he be weill horſed, and haill harniſhed, as Gentle-

Gentlemen aucht to be: And utheris ſemplar of tenne pounde of rent, or fiftie pundes in gudes, have hat, gorget, and a peſane with wambraſſeris and reirbraſſers, and glooves of plate, breaſt plate, pans, and leg ſplents at the leaſt, or gif him likis better.

121. *Anent the gratheing of Zeamen for weire.*

ITEM, That ilk Zeaman, that is of twentie pound in gudes have a gud doublet of fenſe, or ane habitgeon, an iron hat, with bow, ſchaif, ſword, buckler, and knife, and the Zeaman, that is na archer, nor cannot draw a bow, ſall have a gude ſuir Hat for his head, and a doublet of fenſe, with ſworde and buckler, and a gude axe, or elſe a brogged ſtaffe.

122. *That ever-ilk Barronne within himſelfe ordaine his men to be graithed, as is before written.*

ITEM, It is ſtatute and ordained, that ilk Barronne within himſelfe ſall ſee and ordaine his men to be bodin, as is before written. And gif he dois not this betuixt this and *Martine-mes*, the Schireffe ſall raiſe of ilk Zeaman then not bodin, as is foreſaid, a wedder: and of ilke Gentleman, twa wedders, ſa that they be warned of fourtie daies warning at the firſt time: and atthe nixt time of fifteene daies warning, of ilk Zeaman not bodin, twa wedders, and of ilk Gentleman four wedders: and at the thrid time of fifteene daies warning of the Zeaman three wedders, and of ilk Gentleman a Mairt, and ſwa furth fra fifteene daies to fifteene, quhill they be anis lauchfully bodin, as effeiris.

123. *Of ilk Burgeſſe man havand fiftie pundes in gudes.*

ITEM, It is ordained, that ilk Burges havand fiftie poundes in gudes, ſall be haill anarmed, as a Gentleman aucht to be: And the Zeaman of lawer degree, and Burgeſſes of twentie pundes in guds ſall be bodin with hat, doublet, or habirgeon, ſword and buckler, bow, ſchaif, and knife: And that hee that is na bow-man, have a gude axe and ſure weapons, as is foreſaid: And that the Baillies ſall raiſe the paine hereof in Burgh, gif it beis not keeped: that is to ſay, of ilk harniſhed man four ſhillinges at the firſt, aucht ſhillinges at the nixt, a marke at the thrid daie, ay foorth quhill he be weill anarmed: And of ilk Zeaman twa ſhillinges at the firſt, foure ſhillinges at the nixt, and aucht ſhillinges at the thrid, and ſwa foorth, quhill he be weill anarmed.

124. *Anent ſhippes that breakis in this Realme.*

ITEM, It is ſtatute and ordained, that Schippes that breakis in this Countrie, the Schippe and the gudes ſall be eſcheit to the King, gif they be of thay Countries, the quhilkis uſis and keipis the ſamin law of broken Schippes in their awin lande, and gif they be Schippes of onie land that keipis not that law, they ſall have the ſamin favour here, as they keepe to Schippes of this land broken within them.

125. *That Advocates and Fore-ſpeakeres in temporal Courts ſall ſweare.*

THROW the conſent of the haill Parliament it is ſtatute and ordained, that Advocates and Foreſpeakers in Temporal Courtes, and alſwa the parties that they pleade for, gif they be preſent, in all cauſes that they pleade, in the beginning or he be heard in the cauſe, he ſall ſweare, that the cauſe he trowis is gud and leill, that he ſall pleade. And gif the principal partie be abſent, the Advocate ſall ſweare in the ſaule of him, after as is conteined in thir meters.

Illud juretur, quod lis ſibi juſta videtur.
Et ſi quæretur verum, non inficietur.
Nil promittetur, nec falſa probatio detur.
Ut lis tardetur, dilatio nulla petetur.

126. *Barronnes and Lordes havand landes on the Weſt Sea, and on the North, ſuld have Galayes.*

ITEM, It is ſtatute and ordained, that all Barronnes and Lordes havand lands and Lord-ſhippes neir the ſea in the *Weſt*, and on the *North* parts and namelie for-anent the Iles, that they have Galayes, rhat is to ſay, ilk foure markes worth of lande ane aire. And that this till underſtande of them, that are not feſt before of Galayes. For they that are feſt before ſall keepe and uphalde the Galayes, that they are feſt of before, and halden to ſuſteine be their aulde infeftment. And that the ſaids Galayes bee maid and reparrelled be *Maij* cum a twelfe-moneth, under the paine of ane marke to be raiſed to the Kingis uſe of ilk air. And the landes and Lord-ſchippes, quhat ever they be, ſtrikand endlang the coaſt ſyde, and inward in the land, ſex mile ſall contribute to the reparation and the ſuſtentation of the ſaids Galayes.

127. *Of the nature of the briefe of inqueiſt and ſaiſing.*

ITEM, It is ordained, that the ſamin ſtatute maid upon the proclamation of the inqueiſt be keiped upon the briefe of ſaiſing: that is to ſay, gif the briefe be preſented to the Schireffe or Baillies in the head court, that it be ſerved incontinent. And gif it be preſented on ane uther daie out-with the court, that it be cryed on fifteene daies warning. And gif it be neir *Whitſunday* or *Martine-mes*, the ſaiſing ſall be given, and the partie contrare ſall be privileged to break ſaiſing of fee and heritage fyfteene daies after, and of the conqueſt fourtie daies after that cauſe, ſa that the breaker be in ſaiſing of before.

128. *All perſons remainand in* England, *without the Kingis leave, committis treaſon.*

ITEM, It is ſtatute, that gif onie of the Kingis lieges paſſis in *England*, and reſidis and remainis there, againſt the Kings will, he ſall be halden as traitoure to the King.

129. *Of ſovertie asked be onie partie of uthers.*

ITEM, It is ſtatute and ordained, that gif onie of the Kingis lieges hes ony doubt of the life, outher be deed or mannance, or violent preſumption, and he ask ſovertie of the partie, that the plaint is maid upon, ſa that the partie plantiſe mak pruif of the deed, or mannance, or of the violent preſumption maid or done till him be his aith, or uther ſufficient pruiſe, and the Schireffe do not that effeiris till his office in that caſe, he ſall be in fourtie pund to the King, and aſſyith the partie.

130. *Free-halders or their Attourneyes ſuld be preſent at the Schireffes head Courtes.*

ITEM, It is ſtatute and ordained, upon the ſerving of inqueiſtes and Retoures againe to the Kingis Chappel, that all Free-halders dwelland within ony Schireffedomes, compeir at the head Courtes, in their proper perſones with their ſeales: Bot gif it happen them to be abſent upon a reaſonable cauſe. And gif onie be abſent in that caſe, that he ſende for him a ſufficient Gentle-man, his Attourney, with the ſeale of his Armes, and ſwa in *S*chireffe-courtes ſet upon fifteene daies warning. And gif it happenis that the Court be waik, and not ſufficient in the Ryal within the *S*chireffedome, the Gentles of the Regalities ſall compeir at the warning of the *S*chireffe, without prejudice of the Regalitie, and enforce the court. And they that aucht compeirance, and compeiris not, ſall be in ane unlaw of the Court.

131. *Salmond fiſhing is forbidden except in* Solway *and* Tweede.

ITEM, It is ordained, that the ſtatute of fiſhing of Salmond, maid be the King that now is, and the three Eſtaites, be firmelie keeped, ay foorth, quhill it be revoked be the King and the three Eſtaites of the Parliament, out-takand the waters of *Solway* and *Tweede*, quhilkis ſall be reddie to all *Scotteſ-men* all times of the zeir, als lang as *Berwick* and *Roxburgh* ar in the *Engliſh* mennis handes.

FINIS.

THE

THE TENTH PARLIAMENT OF KING JAMES THE FIRST.

Halden at Perth, *the fifteenth of October.* 1431.

132. *Anent the selling of Salmond out of the Realme.*

THE King and the haill Parliament hes ſtatute and ordained, that na Salmond be ſauld, nor bartoured with ony man that hes it out of the Realme, bot for *Engliſh* money allanerlie, gold, or ſilver for th'ane halfe, and *Gaſcoigne* Wine, or ſik gude pennie-worthe for the other half.

133. *That the Governour of the Realme induring his time, might not annaly na landes, that fell to the Crowne.*

ITEM, The ſaid daie it was decreeted be the three Eſtaites in plaine Parliament, that the Governour of the Realme, induring the time of his Governance, micht not give fra the Crowne na landes, nor annaly that fell to the Crowne, throw the deceaſe of ony Baſtardes, And therefore the gift and the infeftments maid till ADAM KER of the landes of *Zetthame* was of nane availe.

FINIS.

THE ELLEVENTH PARLIAMENT OF KING JAMES THE FIRST;

Halden at Striviling, *the ſecond daie of March.* 1433.

134. *Anent the breaking of the Kingis protection.*

ITEM, As touching the breaking of the brieve of the Kingis Protection, it is ſeene ſpeedeful be the Lordes aſſembled at *Striviling* at this time, that what perſon, that hes the Kingis Protection, and it bee broken on him, fra hee have compleinzied to the Schireffe, the Schireffe ſall ſummounde the partie upon fourtie daies warning, to compeir before him at the nixt heade Courte to anſwere to his partie, anent the breaking of the Kingis Protection. And quhidder he appeare or not, to garre it be knawin be an aſſiſe, gif the Kingis Protection be broken. And gif it be founden, that he hes broken the Kingis Protection, he ſall be in the Kingis unlaw in ten pund, and aſſyith the partie, as law will, notwithſtanding ony law or ſtatutes maid of before.

FINIS.

THE TWELFTH

PARLIAMENT

OF

KING JAMES THE FIRST.

Halden at Perth *the tenth daie of Januarie, the zeir of God, ane thousand, foure hundreth threttie foure zeirs.*

135. Of the forefaultour of the Erledome of *March.*

ITEM, *Die Martis, videlicet undecimo die Mensis & anni prædictorum, in prædicto Parliamento præfati excellentissimi Principis, tento apud* Perth, *ut supra, super jure tam proprietatis quam possessionis omnium & singularum terrarum Comitatus de* Marche, *& Dominii de* Dumbar, *Procuratoribus & prælocutoribus dicti excellentissimi Principis & Domini nostri Actoris ab una prosequentis, necnon procuratore D.* Georgii *de* Dumbar *militis, rei & defendentis, partibus ab altera, ipsorumque allegationibus, juribus & rationibus attentis, ad plenum consideratis & discussis, dictisque Dom.* Georgio *& ejus prælocutore remotis postea revocatis & reintratis, per tres status Regni in dicto Parliamento presentes & existentes, diligenti examinatione & matura deliberatione præhabitis, concorditer fuit decretum, ac per os* David Dempstar *judicatoris Parliamenti sententialiter judicatum, quod ratione forisfacturæ Dom.* Georgii *de* Dumbar *quondam Comitis* Marchiæ *& Dom. de* Dumbar *omne jus tam proprietatis quam possessionis omnium & singularum terrarum comitatus* Marchiæ, *& Dominii de* Dumbar, *aliarumque terrarum quas de dicto Dom. nostro Rege tenuit in capite, cum omnibus & singulis suis pertinentiis, fuisse, spectasse & pertinuisse, ac esse, spectare & pertinere debere, tam in possessorio, quam in petitorio ad Dominum nostrum Regem supradictum.*

136. Of letters of fidelitie promitted to our Ladie the Queene.

ITEM, *Eodem die Mensis & anni supradictorum, omnes Domini de Parliamento, tam Ecclesiastici, quam Sæculares, ac etiam Burgorum Commissarii, promiserunt dare literas suas retinentiæ & fidelitatis Dominæ nostræ Reginæ.*

FINIS.

THE

THE THRITEENTH PARLIAMENT
Or GENERALL COUNCELL of KING JAMES THE FIRST,

Halden at Edinburgh, *the twentie twa daie of October, the zeir of God, ane thousand, foure hundreth, thirtie sex zeires.*

137. *Of Thieefi-bute.*

ITEM, It is ſtatute and ordained be the King, with conſentt of the three Eſtaites, that nouther Lord of Regalitie, Schireffe, Barronne, nor utheris, ſell onie thiefe, or fine with him of thiefidome done, nor to be done, under the paine to the Lords of the Regalitie, doand the contrarie, of tinſell of the Regalities, and Barronnes, Juſtices and Schireffes of life and gudes. Saifand that this ſtatute ſall not ſtrike to Bordourers dwelling on the Marches, but for thieft to be done, after the making of this ſtatute. And this ſtatute induring the Kingis will.

138. *That aſſiſors ſuld ſweare.*

ITEM, It is ſtatute and ordained, that all Judges ſall garre the aſſiſoures ſwear in the making of their aith, quhen they are charged to aſſiſes, that they nouther have tane, nor ſall take meede nor buddes of ony partie: And gif onie ſik be given, or hecht: or onie prayer maid before the giving out of the declaration and determination of the aſſiſoures: the ſaid aſſiſoures ſall openly reveale the buddes, gifts or prayers, and the quantitie and maner thereof to the Judge in plaine Court.

139. *Of arreiſtment to be made be the Crowner.*

ITEM, It is ordained, that all Crowners ſall arreiſt at all time, alſweill before the crie of the Aire, as after, all them that ſall be given to him in portuous bee the Juſtice Clerke, and nane utheris.

140. *Treſpaſſoures may be accuſed at the Kingis inſtance allanerly.*

ITEM, It is ordained, that all Maires and Serjandes arreiſt at the Schireffis bidding, albeit that na partie follower be, all treſpaſſoures: and that the ſaid Schireffe follow the ſaids treſpaſſoures in the Kings name, gif na partie follower appearis.

141. *Aſſurance with* Engliſh-men *is treaſon.*

ITEM, It is ordained, that na man be aſſured of *Engliſh-men*, nor take protections of them for landes or gudes, bot allanerly the Wardens, quhilkis ſall have leave given by the King, under the paine of treaſon.

142. *Juſtice ſuld be done upon thieves in all haſte.*

ITEM, It is ordained for mair ſtanching of thieft and treſpaſſe, that ſuppoſe a thiefe byde twa Sunnes, three or foure, or maa, after he be attached, he ſall not have freedome to abide fourtie dayes, but he ſall be judged als ſoone, as a courte may be ſet therefore.

143. *Of in-bringing of Bulzeon.*

ITEM, It is ordained, that of ilk ſack of wooll, that ſall paſſe out of *Scotlande*, and the *Scottis* Merchande gif he ſailis therewith, or the *Scottis* Merchande that ſelles it to ſtrangers, ſall finde ſicker ſovertie to the Cuſtomers of the Portes, quhair the Schippes ſaillis, to bring hame in *Scotlande* to the Maiſter of the Kingis cuinzie, three ounce of Bulzeon, and of a laſt of hydes as meikle, as of the three ſacks of wooll. And of five *Hamburgh* barrelles alſmeikle, as of a ſack of wooll. And of uther gudes, that awe na cuſtome, or awe cuſtome, after the fraucht of the Serplaith: that is to ſay, it that payis a Serplaith in fraucht, ſall bring three ounce of Builzeon hame, under the paine of tinſel of alſmeikle Builzeon, as they ſuld bring hame to be applyed to the King. And the cuſtomers of ilk Burgh ſall write all maner of gudes, that enters to ſchip-buird for the ſearching of knawledge heirof.

144. *That nane be foundin in Tavernes after nine houres.*

ITEM, It is ordained, that na man in Burgh be foundin in Tavernes of wine, aill or beir, after the ſtraike of nine houres, and the bell, that ſall be rung in, in the ſaid Burgh. The quhilkis founden, the Alderman and Baillies ſall put them in the Kingis priſon: The quhilk gif they do not, they ſall pay for ilk time, that they be foundin culpabill before the Chalmerlane fyftie ſchillinges.

145. *Byeing and ſelling of* Engliſh *guds.*

ITEM, It is ordained, that na man under the paine of eſcheit bye ony *Engliſh* claith or uther gudes, within the Kinrik of *Scotland* fra *Engliſh-men*, or without. And that na *Engliſh-man* havand conduct, bring in and ſell, or change onie *Engliſh* gudes, bot gif thay gudes be ſpecified, and leave given in his ſafe conduct, ſaifand in payment of ranſome of *Engliſh-men.*

146. *Tuitching the ſelling of Salmond till* Engliſh-men.

ITEM, It is ordained, that na *Scottiſ-man* ſell to *Engliſh-men*, or in *England* before hand, or utherwaies ony Salmond, bot that *Engliſh-men* bye them in *Scotland* for *Engliſh* gold, and none uther contentation. And gif the *Engliſh-men* will not bye them, the *Scottes* merchandes may ſend them in *Flaunders* or uther places, quhair them thinkis: ſwa that of na wiſe they nouther ſende them nor ſell them in *England*, under the paine of eſcheit. And for the gude of the Merchandes, the King will grant conduct till all them that will cum and bye Salmond in *Scotland.*

147. *That nane bye wine fra* Fleminges *of the* Dam.

ITEM, It is ſtatute and ordained, that na man of *Scotland* bye at *Flemminges* of the *Dam* in *Scotland*, onie kinde of wine, under the paine of eſcheit theirof.

148. *That the Law be halden, quhair the treſpaſſe is done.*

ITEM, It is ſtatute and ordained, that for ſeven zeires to cum the Kings Juſtice of baith the ſyds of the water of *Forth*, and als the Schireffes for treſpaſſe done out-with Regalities and Burrowes, the ſaid Juſtice and Schireffes ſall hald the Law, quhair the treſpaſſe was done, and nouther defer to Burrowes nor Regalities theirin.

149. *That nane have out of* Scotland *Gold, Silver, nor Jewels.*

ITEM, That nane have out of *Scotland* Gold, Silver, nor Jewels cuinzeit, nor un-cuinzeit, under the paine of eſcheit.

FINIS.

ANE

ANE TABLE

Of the

PARTICULAR ACTES and uthers, maid be KING JAMES the Firſt, qubilkis are nocht prented,

In his firſt Parliament, the twentie ſex of May, 1424.

OF Finance to be maid for the Kingis coſtage in England.
Of the maner of Taxation to be maid within the Realme.
Ane complaint upon purchaſſing of Penſiones.

Second Parliament, twelfth of March, 1424.

Anent the ordinance of Proceſſiones.

Thrid Parliament, elleventh of March, 1425.

Anent the ſchawing of Chartoures and infeftmentes.
Of Prayer and Proceſſion to be maid for the King and the Queene by the Clergie.
Anent meaſures.
Anent ſitting of Seſſion.

Seventh Parliament, firſt of March, 1427.

Of Cruves and waters.
The leave to Merchandes to ſure their gudes.

Tenth Parliament. 15. of October, 1431.

For reſiſting of rebelloures in the North.

Elleventh Parliament. 2. of March. 1433.

Of the Brieve de aquæ ductu.
Of mandementes to execute the actes of Parliament.
That the Law be halden where the treſpaſſe is done.

FINIS.



IACOBVS. II REX SCOTORVM.

THE FIRST

PARLIAMENT

OF

KING JAMES THE SECOND,

Halden at Edinburgh *the XX. Day of March, The Zeir of God, Ane thousand, foure hundreth, threttie seven zeiris: And of his Reigne the first zeir.*

1. Of the Coronation of our Soveraine Lord.

QVO *Die comparentibus tribus Regni ſtatibus apud* EDINBURGH, *omnes Comites, Nobiles, & Barones, ac Libere-tenentes dicti Regni, venientes ad caſtrum de* EDINBURGH, *præfatum Dominum noſtrum Regem, cum maximo applauſu & apparatu, ad laudem Dei & lætitiam totius populi ad Monaſterium Sanctæ Crucis de* EDINBURGH, *pro Corona Regni* Scotiæ *ibidem ſuſcipienda ſolenniter produxerunt. Cætera autem præſentis Parliamenti ſunt in certis actis tangentibus partes.*

2. *Revocation of landes, poſſeſſiones, and moveable gudes: Alienation of the Kingis Landes.*

THE Haill three Eſtaites of the Realme, ſittand in plane Parliament, That is to ſay, the Clergie, Barronnes, and Commiſſioners of Burrowes be ane aſſent, nane diſcreepand, weill adviſed and delivered, hes revoked all alienations, alſweill of landes and of poſſeſſiones, as of moveable gudes, that were in his Fathers poſſeſſion, whome God aſſoilzie, the time of his deceaſe, given and maid without the adviſe and conſent of the three Eſtaites. And hes ordained, that ane inventar be maid of all the gudes in to depois belangand to the King by them, that beſte knawis the gudes: And that this inventar be keiped to the Kingis age. And hes ordained be maner of ſtatute, that na landes nor poſſeſſiones perteining to the King, be given or granted till onie man, without the adviſe and conſent of the three Eſtaites of the Realme, unto the time of his age of xxj. zeires. And gif it happenis ony ſik alienationes to be maid in prejudice or hindring of the Crowne, that it be of na value, force nor effect.

FINIS.

THE SECOND PARLIAMENT
Or COUNCELL, of
KING JAMES THE SECOND,

Halden at Striviling, *the XIII. daie of the Moneth of March, the zeir of God, ane thousand, four hundreth, threttie aucht zeires.*

3. *Anent Rebelloures and unreasonable men, being receipt and halden within Castelles.*

ITEM, It is statute and ordained, that quhair there is ony rebelloures or unrule-ful men within Castelles or fortalices halden or receipt, or quhair there be ony presumption violent of rebellion, or spoilling of the Countrie: it is advised and ordained, that the Lieu-tennent raise the countrie, and passe to sik houses, and arreist their persones, quhatsumever they be, to the Law, and take sovertie of thay persones, being within thay houses, that the Countrie and all the Kingis lieges be unharmed and unskaithed of the saids houses, and of them that inhabitis them, fra thine foorth. And gif onie makis difficultie to be arreisted and finde sovertie, as law will, they sall be streinzied thereto.

FINIS.

THE THRID PARLIAMENT
Or COUNCELL GENERALL of
KING JAMES THE SECOND,

Halden at Striviling, *the second daie of the Moneth of August, the zeir of God, ane thousand foure hundreth, and fourtie zeires.*

4. *Kirk-men suld not be troubled in their bodies nor gudes.*

THE Frydaie the fift daye of the Moneth, and zeir before written: The haill three Estaites nane dissentand, hes ordained, that halie Kirke be keiped in freedome, and na-man vexe Kirk-men in their persones nor gudes, under all charge, that they may in-rin against God and our Soveraine Lorde the Kingis Majestie.

5. *Justice aires suld be halden twise in the zeir.*

ITEM, The samin daye the haill three Estaites hes ordained, that the Justices on the South side of the *Scottis* Sea, set their Justice aires, and hald them twise in the zeir, and alswa on the North side of the *Scottis* Sea, as auld use and custome is. And richtswa Lordes of Regalities within their Regalities, & alswa the Kingis Baillies of his Regalities. And that the King himselfe, quhill Justice be anis halden in the Realme, be in ilk Toune, quhair the aire sall be halden, or neir theirby, quhair his Councel thinkis it speidfull.

6. *Of remeid and punition of divers crymes.*

ITEM, The three Estaites hes concluded the said daie, that our Soveraine Lord the King ride throw all the Realme incontinent after their be send word to his Councel, quhair onie rebellion, slauchter, burning, reife,

reiſe, forſalt, or thieft, happenis: and there to call the Schireſſe of the Schire quhair the thing beis done before him; and or the King depart out of that Schire, to ſet remeid of ſik harmes done, or gif onie ſik ſall happen to be done, quhidder the default be in the Officiares, or in the doers, to be puniſhed be the King. The quhilk concluſion and ordinance, all the Barronnes of commoun aſſent and conſent are oblißhed till aſſiſt, haith with their power in bodies and gudes, als oft as ſall be ſeene ſpeedeful, be adviſe of the Councel, for the gude and availe of the Realme, and the commoun profite.

FINIS.

THE FOURTH PARLIAMENT Or GENERALL COUNCELL of KING JAMES THE SECOND.

Halden at Striviling, *the fourth daie of November, the zeir of God, ane thouſand foure hundreth, fourtie three zeirs.*

7. *Anent troublers of Halie Kirk: and curſed perſones.*

THE Kinge and the three Eſtaites hes ſtatute and ordained, that the ſtatute of halie Kirk, that is oppreſſed and hurte, be keiped, be lawe of halie Kirke, and actes and ſtatutes made of before time in Generall Councell and Parliament. And that general proceſſe be maid in forme, and general curſing againſt all the breakers of the ſaid freedome, and als againſt particular or ſingular perſones be cenſure of halie Kirk. And that ilk place aſſiſt till uthers proceſſes. And that na perſones, the quhilks ar notour ſpuilzieours, diſtroublers, or invaſours of halie Kirk, nor nane againſt quhome the Proces beis led of curſing: be received in the Kingis Caſtelle or Palace, or in his preſence, nor admitted to Councell nor Parliament, heard nor anſwered in the law of judgement of fee and heritage, or uther cauſes, bot ever eſchewed as curſed, unto the time the ſaid perſones cum to amendis, and aſſyith the partie, & obteine abſolution in forme of law.

FINIS.

THE FIFTH PARLIAMENT OF KING JAMES THE SECOND.

Halden at Edinburgh, *the zeir of God, ane thouſand, foure hundreth, fourtie nine zeires: And of his Reigne the threttenth zeire.*

8. *The punition of the ſlauchter of Salmond.*

ITEM, It is ordained, that quha ſa beis convict of ſlauchter of Salmond in time forbidden be the law, ſall pay fourtie ſhillinges, bur remiſſion the firſt time. And the ſeconde time foure poundes. And at the thrid time he ſall tine his office for ever. And alſwa he that garris ſlaie or maintenis the ſlayer, or is airt or pairt of the deede doing, ſall be demained, as the principall doers. And gif onie man be infeft of freedome to fiſh in forbidden time, ſik freedome ſall ceaſe for ſeven zeires to cum. And gif onie dois in the contrarie, he ſall paie an un-law before the Juſtice, upon the quhilk treſpaſſe, the Juſtice Clerke ſall inquire at the receiving of the indictments, as of uther poyntes belangand his office.

9. *The Schireffe ſuld cauſe reſtitution to be maid of gudes ſpuilzied and reſt: otherwaies he becummis debtor therefore.*

THrough the conſent and adviſe of the haill Parliament, it was ordained and decreited, quhair onie open and publieke rieſes and ſpoliationes outher of Kirke gudes, or uthers happenis within the Realme, that the partie ſpuilzied compleinzie to the Schireffe, in quhat Schireffedome the ſpuilziers remainis in, and that the gudes ſpuilzied ar receipt in. And that the Schireffe paſſe to the ſpuilziers and receipters of them, and the gudes ſpuilzied, and charge them to reſtore againe the ſpoliation, and arreiſt the ſpuilzieoures and receipteres of them, and the gudes ſpuilzied, to the Law. And gif the ſpuilzieoures or receipters diſobeyis the Schireffe, ſwa that hee may not compell them to reſtore againe the ſpoliation, the Schireffe ſall blaw out on them to the Kingis horne as rebelloures, and pronounce them as ſik rebelloures openlie to the Lord Lieutennent. And gif the Schireffes refuſis to doe their office, or be negligent, or partial: then the partie ſpuilzied ſall compleine to the Kings Lieu-tennent, of the Schireffe, and the Lieu-tennent ſall demaine the Schireffe, as the ſpuilzeoures ſuld have bene demained: and that ſik execution be maid be the Officiares upon them, that again-ſtandis and diſobeyis the Kingis Acts & decreetes given under the Kingis waxe, and decreeted be the Lieu-tennent and the three Eſtaites. And gif ſik treſpaſſoures put to the Kingis horne, make na reſtitution and fulfilling of the acts, as is before ſaid, within fifteene daies, & findis not ſoverty to underly the law for their diſobeying, that fra thine foorth, thay perſones be notourlie cryed rebelloures to the King be the Officiares. And ſik men ſuld be demained be the actes of fourtie daies, the auld act not againe-ſtanding. And if ony ſik treſpaſſours, rievers or ſpuilziers, of ony mennis gudes put to the Kingis horne, makis not reſtitution within the foreſaid fourtie daies of the gudes ſpuilzied, and bindis them not to the law', as is before written, they ſall not be received be na miniſter of the Kings to the Law, quhill before all things they have maid full reſtitution of the ſpoliation.

10. *That the Officiares and Lordes of Regalities ſall execute and fulfill this foreſaid act.*

ITEM, It is ordained and decreeted, that this acte ſall be execute and fulfilled be the Officiares, and Lordes of the Regalities within the Realme, with the helpe and ſupplie of the Lord of the Ryall, gif neede be. And gif the Officiares of Regalities fulfillis not this acte, it ſall be lauchfull to the Kingis Schireffe to fulfill it within Regalities.

FINIS.

THE SEXT PARLIAMENT OF KING JAMES THE SECOND,

Halden at Edinburgh, *the zeir of God, ane thouſand, foure hundreth, fourtie nine zeires.*

11. *Of letters of caption to be given againſt Curſed perſones.*

IN The firſt, for the mainteining of the freedome of halie Kirk, It is ordained, that fra the cenſure of halie Kirk be led and uſed upon onie perſon, and it be maide knawin be the Ordinar, the Kingis letters of caption ſall be given, and the auld Law uſed as effeiris. And that the Schireffe and uthers officiars execute the Kingis letteres, and put the perſones that the cenſure of halie Kirk is led upon, in the Kingis waird. And gif the perſones be fugitive, and may not be over-tane be the Schireffe or his Officiares, and they have landes and gudes, thay landes ſall be and their gudes arreiſted and pryſed to the partie, like as for uther debt at certaine mercat dayes, as effeiris. And gif the ſaidis perſones be not over-tane be the ſaid Officiares, and they have nouther landes nor gudes, they ſall be put to the Kingis horne. And this acte till indure till the nixt Parliament.

12. *The Proclamation of generall peace: Of Law-burrowes: Of Miniſters of Law.*

ITEM, It is ordained, that generall peace be proclaimed and keiped out-throw all the Realme, that all men may travel ſurely & ſickerly in merchandice, & utherwaies in all places throw the land, ſwa that na man neede till have aſſurance ane of uther, bot that the Kingis peace be aſſurance till all men. And quha that offendis therein, to be puniſhed by the King or his Officiares. And that the King make ſik Officiares, that can weill & may weill puniſh ſik treſpaſſoures. And attour, gif ony perſon dreadis ane uther, that he paſſe to the Schireffe, or to the Officiares, that it effeiris to, and make that knawin: or ſweare that he dreadis him, and they ſall take borrowes of peace, after the actes maid thereupon of before. And that juſt men be maid Juſtices, that kennis the Lawe, and that will miniſter eavenlie, alſweill of the greate, as of the ſmall. And richtſwa of uther officiares. And gif they be negligent to miniſter their office, that they be puniſhed be the King. And that the Juſtice paſſe twiſe throw the countrie in the zeir, after the auld lawes.

13. *That nane rebell againſt the Kingis perſon nor his authoritie.*

ITEM, It is ordained, that nane rebell againſt the Kingis perſon, nor his authoritie: and quha ſa makis ſik rebellion, to be puniſhed after the qualitie and quantitie of ſik rebellion, be the adviſe of the three Eſtaites. And gif it happenis ony within the Realme openly or notourly to rebell againſt the King, or makis weir againſt the Kingis Lieges againſt his forbidding, in that caſe the King to gang upon them with aſſiſtance of the haill landes, and to puniſh them after the quantitie of the treſpaſſe.

14. *Of them quha ſeekis revenge for treſpaſſoures juſtified.*

AND Attoure, gif it happenis ony man till aſſiſt in red, comfort, or councell or maintenance to them that ar juſtified be the King in his preſent Parliament, or ſall happen to be juſtified in time cumming, for crimes committed againſt the King, in the contrair of the act maid: Fra it be notour, or the treſpaſſour be convict thereof, he ſall be puniſhed in like maner, as the principal treſpaſſoures.

15. *Trewes on the* Bordoures, *ſulde be keeped be the Wardane.*

ITEM, It is ordained, that the Wardane chooſe ſik deputes and officiares under him, as he will ſtand for, for the keeping and obſerving of the trewes, ſen hee hes the charge. And that the King gar aſſiſt to him, in the ſupplying of him and his officiares, gif ony walde take on hande to diſobey or gaine-ſtand.

16. *Of punition of Officiares treſpaſſand in their office wilfullie.*

ITEM, It is ordained, that gif ony Officiar wilfully treſpaſſis in the miniſtration of his office of the Law, that beand over-tane or proved on him, before the King or his Councell, he ſall tyne his office for an zeir and day at the Kingis will, and aſſyith the partie, as effeiris.

17. *The byer of Landes ſuld keepe the tackes ſet before the bying.*

ITEM, It is ordained, for the ſafetie and favour of the puir people that labouris the ground, that they and all utheris, that hes taken, or ſall take landes in time to come fra Lordes, and hes termes and zeires thereof, that ſuppoſe the Lordes ſell or annaly that land or landes: the takers ſall remaine with their tackes, unto the iſchew of their termes, quhais handes that ever thay landes cum to, for ſiklike maill, as they tooke them for.

18. *Tackes of wedſet Landes, ſet within the Juſt valour, ſuld nocht be keiped after the Redemption.*

BOT Quha ſa takis, or hes tane landes in wedſet, and ſyne for maill lang time after the land be quite out, for halfe maill or neir thereby, that thay tackes ſall not be keeped nor halden, after the quiting out of the ſaid land, bot gif they be ſet for the verry maill or neir theirby.

19. *The committer of ſpuilzie ſuld make reſtitution: pay the expenſes, and ane unlaw to the King.*

ITEM, It is ſtatute and ordained, that onie man, that beis ſpuilzied, and cummis before the King, and his Councell, and compleinzies of ſpoliation, & the ſpuilzie may be proved, there the partie preſent or ſummond lauchfullie, & not compeirand: or appeirand, the ſpuilzie beand proved, the Schireffe of the Schire ſall be commanded be the King to mak him, that is ſpuilzied, bee reſtored but delaie. And gif the pleinzeour of the ſpuilzie have na proofe reddie before the King, the King ſall write to the Schireffe, at his inſtance, to ſet him a peremptour day of fifteene daies at the fardeſt, to the quhilk he ſall warne the parties to cum. At the quhilk day quhidder they cum or not, the ſpuilzie beand proved, the Schireffe ſall make him,

that is ſpulzied, but delay to be reſtored, as is before ſaid, togidder with the expenſes, the quhilkis the partie follower lauchfullie makis, and the Kingis unlaw as effeiris.

20. *That the Juſtice, Chalmerlane, Crowners, and all uther Officiares ryde in competent and eaſy number.*

ITEM, It is ordained, that juſtices, Chalmerlane, Crowneres, and uther Officiares, that makis courſe throw the land, ryde but in competent and eaſy number, to eſchew grievance and hurting of the people, the quhilk number of auld time was ſtatute and modified, and that the Crowneres ceaſe of the taking of the tenne pennies, for the wrang cuſtome of them, that findis them reddy borrowes.

21. *Of the away putting of Sornares, feinzied fooles and vagaboundes.*

ITEM, It is ſtatute and ordained, for the away putting of Sornares, ouer-lyars, and maiſterfull beggers, with horſe, houndes, or uther guddes, that all officiares, baith Schiriffes, Barronnes, Aldermen, Baillies, alſweil within the Burgh, as outwith, take ane inquiſition at ilk courte, that they hald of the foreſaid things: And gif ony ſik be founden, that their horſe, houndes, or uther gudes be eſcheit to the King, and their perſon put in the Kinges waird, quhill the King have ſaid his will to them. And alſwa that the ſaid Schireffe, Baillies, and Officiares inquire at ilk court, gif there be onie, that makis them fuiles, and are bairdes, or uthers ſik like rinnares about. And gif onie ſik be founden, that they be put in the Kings waird, or in his irones for their treſpaſſes, als lang as they have ony guddes of their awin to live upon, and fra they have not to live upon that their eares be nailed to the trone, or till ane uther tree, and their eare cutted off, and baniſhed the cuntrie. And gif thereafter they be funden againe, that they be hanged.

22. *Of byares of victual, and keiperes theirof to ane dearth.*

ITEM, It is ordained for the eſchewing of dearth within the Land, that Schireffes, Baillies, and uther Officiares, baith to burgh and to land, take and inquire at ilk courte that they hald, quhat perſons within their boundes byis victual and haldis it till a dearth. And gif it beis founden, that the Schiriffe and officiares make it knawin at ilk mercat croce to the King, quhat perſons they ar, and that they be bot as ockerrares repute. And that they be puniſhed and demained as ockerrares ſuld be. And the victual that they have, be eſcheitted to the King.

23. *It is leſum to all the Kingis Lieges to bye and ſell victual. Of auld ſtackes.*

ALSWA, That na Burgeſſes nor na uther perſones, that byis ony corne or victual to ſell againe, hald victual in Burgh nor out-with, mair then will ſuſteine him and his meinzie to new corne: under the paine of eſcheit of the victual to the Kingis uſe, bot that that victual be preſented to mercattes, and ſauld as the price gois. And attour, that the Kingis Lieges in all places throwout the Realme, have power to bye & ſell victual at their liking, baith on the North halfe and South halfe of *Forth*, ilk ane till utheris, but onie letting or impediment. And that na man hald old ſtackes in his zaird langer then *Zule*, under the paine of eſcheit thereof to the King.

24. *Sundrie poyntes of treaſon.*

ITEM, It is ſtatute and ordained, that gif onie man, as God forbid, committe or do treaſon againſt the Kingis perſon, or his Majeſtie, or riſis in feire of weir againſt him, or layis handes upon his perſon violentlie, quhat age the King be of, zoung or auld, or receiptis ony that hes committed treaſon, or that ſupplies them in helpe, redde or counſell, or that ſtuffis the houſes of them that are convict of treaſon, and haldis them againſt the King, or that ſtuffis houſes of their awin in furthering of the Kingis rebelles, or that aſſailzies Caſtelles or places quhair the Kingis perſon ſall happen to be, without the conſent of the three Eſtaites ſall be puniſhed as traitoures.

25. *That the Regalities being in the Kingis hande, ſall be juſtified be the Kingis Juſtice.*

ITEM, It is ordained, that all Regalities, that are in the Kingis handes, or ſall be in time to cum, be halden as Royalty & juſtified be the Kings Juſtice, quhill they remaine in the Kingis handes, and the free-halderis of the ſaid Regalities ſall compeir at the Juſtice aires, and their Suters within the Schireffedomes, that they are in, and to the Kinges Parliamentes and Generall Councelles, as the free-halders of the Royaltie dois.

26. *For eſchewing of maiſterfull thieft and reife.*

ITEM, For eſchewing of greate and maiſterfull thieft and reife, it is ordained, that the Juſtice do law out throw the Realme, and quhair he may not hald Juſtice of maiſterfull men, he ſall verifie and certifie the King theirof: then the King ſall provide with his ſecreit Councell in all haiſt remeid theirof.

27. *The*

27. *The Juſtice Clerk ſuld nocht reveil the dittay: nor alter the Rolles.*

ITEM, It is ordained, that the Juſtice Clerke reveil na mannis action to na perſon, or tranſlate onie action utherwaies, then it was given him, bot for the better to the King: or change names ane for ane uther, or put out onie of the Rolles without commandement of the King, or of the Councell, under the paine of tinſell of his Office, his honour, and his gudes to be at the Kinges will.

28. *Money ſuld nocht be carried away: Falſe Money: Na money ſuld be ſtriken without the Kingis licence.*

ITEM, As anentis the money, it is referred to the Actes maid of before, be the foure and twentie perſones choſen thereto, baith for the hame bringing of the Builzeon be the Merchandes, and of the new ſtraik to be maid, and the courſe thereof be the money that now runnis. And that their be maid at all portes of the Realme ſtrait ſearchers to reſtreine the having out of the money, and richt ſwa upon the Bordowres of the Marches. And that all falſe ſtrikers of gold, ſilver, or of falſe groates, & pennies be ſearched, & written for, & broucht to the King to be puniſhed, as Law will. And that nane tak on hand to ſtryke in time to cum, bot they that hes or ſall have command of the King under his greate ſeale.

29. *Anent the Summounding of onie perſones of contumacie, and paine thereof.*

ITEM, It is ordained, that gif onie perſone garris ſummound ane uther before the King and his Councell for onie cauſe, and the partie ſummound be *contumax*, he ſall be condemned at the firſt daie in the expenſes of the partie followand, and in twentie ſchillinges to the King for his amerciament. And be he abſent and *contumax* at the ſecond ſummoundes, he ſall be condemned be the Judge in the expenſes of the partie follower, and in fourtie ſchillinges for the Kinges unlaw. And be he *contumax* at the thrid day, at the quhilk he ſall be ſummound to cum: the quhilk ſummoundes ſall mak intimation, that quhidder he compeir or not, the Judge will proceed as Law will in the cauſe, and then gif he be ſummound thriſe and compeiris not, he ſall be condemned in the parties expenſes, and in foure pundes for his unlaw to the King. And then ſall the Judge proceed in the cauſe and doe Juſtice. And gif the cauſe be on fee and heritage, the partie ſummound, as is foreſaid, ſall be condemned for his contumacie, and the partie follower ſall be put in poſſeſſion of the ſaid fee and heritage, and byde therein, aye and quhill his partie aſſyith fullelie all the expenſes, in the quhilk he was condemned, and to the King all his unlawes: The quhilk done, he ſall be heard in the principall cauſe mooved againſt him, not againſtanding the decreit of poſſeſſion before given: bot gif he bide ſa lang, that preſcription lauchfullie be runnin. And gif the cauſe be of mooveable gudes, the partie follower ſall be put in poſſeſſion of the other parties gudes, to the quantitie of the thing or the gudes, in the quhilkis the other partie beis judged, to remaine with the partie follower for a zeir and a day, And gif the partie condemned within the zeir and day, cummis and aſſyithis fullelie all the other parties expenſes judged to the partie follower, and all the Kingis unlawes, as is before ſaid, and fundis cautione to ſtand and abide the partie at the Law, then ſall he recover againe the poſſeſſion of his gudes, and be heard and have Law in the cauſe principal. And gif the partie condemned have landes or gudes: then ſall his landes and gudes be recogniſhed in the Kingis handes. And gif he hes na landes nor gudes, then ſall he be out-lawed and put to the Kingis horne. And this ordinance to continue to the nixt Parliament. And that all Lordes havand Regalities, ſall judge all them of their Regalities, after the acte before written. And that ilk ane of the three ſummoundes be of fifteene daies warning at the leaſt. And that the letters of ſummoundes paſſe under the quhite waxe, and the ſummoundes of the Lordes of Regalities, to paſſe under their ſealles, or their ſignettes,

FINIS.

THE SEVENTH

PARLIAMENT

Or COVNCELL GENERALL, of

KING JAMES THE SECOND.

Halden at Perth, *the fourth daie of Maij, the zeir of God, ane thousand, foure hundreth, and fiftie zeirs, and of his Reigne the fourteenth zeire.*

30. *That na man of this Realme bring hame poyson, under the paine of treason.*

THE Lordes of the three Estaites gathered and assembled in the Friere Kirk, & commonand upon divers matters be-langand the commoun gude of the Realme, it was be the King and als the Lords of the three Estaites, assentand and consentand, ordained: & be the maner of aye lestand statute determined and forbidden, that na kinde of man nor woman of the Realme of *Scotland* for Silver, nor Gold, nor nane uther merchandice, be na maner of way, sould bye, nor inbring na kind of poyson in the Realme, for onie maner of use, under the paine of treason. And gif onie person of the Realme of *Scotland* in onie time to cum bring in onie maner of poyson, throw the quhilk onie Christian-man or woman may take bodelie harme, and that may be kend or they convict theirof, that person or persones, sa declared and convict, sall tyne and forefault to the King lyfe, land, and gudes.

31. *That na stranger bring hame poyson.*

ITEM, Gif ony stranger, ane or maa, man or woman, of ony uther Realme, cum in this Realme of *Scotland*. and in-bring be ony maner of way poyson, throw the quhilk onie Christian-man or woman may take bodely skaith, and that may be kende, or they convict thereof, they sall underly the samin paines, as is before written of them of this Realme, and na conduct nor remission to helpe them in that case.

FINIS.

THE AUCHT

PARLIAMENT

Of our SOVERAINE LORD,

KING JAMES THE SECOND.

By the Grace of God, King of SCOTTES, Halden at Striviling, *the twentie fifth daie of the Moneth of October, the zeir of God, ane thousand, foure hundreth, fiftie ane zeir.*

32. *The advisement of the three Estaites, touching the matter of money.*

ITEM, In the first, that they thinke it expedient for diverse causes, that they have considdered, and counsellis that there be stricken in this Realme new money, conforme eaven in weight to the money of *England*, with the quhilk this Realme hes part of commoning. And that there be stricken of the ounce of burnt silver, or Bulzeon of that finnes, aucht groates, and of the samin matter and weight, as effeiris, halfe groate, pennie, halfe-pennie, and farding.

ITEM, That the samin new groate to be stricken, have course for aucht pennies the halfe groate: for foure pennies, the pennie: for twa pennies the halfe pennie: for ane pennie and the farding, for a half pennie.

ITEM,

ITEM, That the *Engliſh* groates, of the quhilkis aught groates haldis ane ounce, have courſe rightſwa for aught pennies the peece. And the half groate *Engliſh*, conformed to the ſaid groate in weight, have courſe for foure pennies. And that na *Engliſh* pennie have courſe, bot at the will of the receiver.

ITEM, Fra the new groate be ſtricken and proclaimed, and a ſpecial daie ſet for the courſe of it, then the new groate that now runnis for ſax pennies, ſall deſcend to foure pennies, and the halfe groat to twa pennies.

ITEM, That the Demy, the groate and the half groate, that now runnis, have their courſe, that they now have, unto the time of the Proclamation, and the courſe of the ſaid new money.

ITEM, That there be ſtricken a new penny of Gold called a *Lyon*, with the prent of the *Lyon* on the ane ſide, and the image of Saint *Andrew* on the other ſide, with a ſide coate even to his fute, halding the ſamin weight of the halfe *Engliſh* Noble. And that the ſaid *Lyon* be not taken in payment, bot gif it hald the full weight of the ſaid half *Engliſh* Noble. And that the ſaid new *Lyon*, fra the daie that it be new cryed, have courſe, and ſall runne for ſex ſhillinges aught pennies of the ſaid money: and the half *Lyon* of weight fra the daie it be cryed, and of finnes thereafter, have courſe for three ſhillinges foure pennies. ITEM, after the courſe of the ſaid Proclamation, the Demy that now runnis for nine ſhillinges, ſall run then for ſex ſhillinges aught pennies, and the halfe penney for three ſhillinges foure pennies.

ITEM, The Royall of *France*, ſall have courſe for ſex ſhillinges aught pennies, and the *Salute* havand the weight of the ſaid new *Lyon*, ſall have courſe then als for ſex ſhilllnges aught pennies. And the Crown of *France* havand a crowned *Flowre-deluce* on ilk ſide of the Schield, that runnis now in *France* for courſeable payment, and the *Dolphin* Crowne ilk ane of them havand courſe for ſex ſhillinges aught pennies. And the Ryders of *Flanders* havand courſe for ſex ſhillinges aught pennies. And the *Engliſh* Noble called the *Pace*, ſall have courſe then for threttene ſhillinges foure pennies. And the halfe Noble thereof, for ſexe ſhillinges aught pennies: and ſa the farding for three ſhillinges foure pennies: and the *Flemiſh* Noble that time havand courſe, for twelve ſhillinges aught pennies. And all uther kinde of gold havand na courſe, bot as the byar and ſeller can accord.

ITEM, The pennies that were ſtricken by the Kingis Cuinzeoures, that is to ſay, *Robert Gray*, *John* of *Dalrympill* father himſelf, *Alexander Tod*, and *John Spethy*, ſall have courſe as they now have, unto the time of the ſaid new ſtraik. And of thay pennies, ſall be tane bot twelve pennies in a pound. And all uther kindes of pennies ſtricken by *Henry Goldſmith*, and be all uther falſe cuinzieoures, outher in *Innernes*, *Dyſart*, or *Forfare*, or ony uther place, ſall have na courſe fra this daie foorth, nor be received for payment.

ITEM, Fra the new groate have courſe for aught pennies, that the foreſaid pennies ſtricken be the ſaid Kingis cuinzieoures have na langer courſe, nor be received in payment.

ITEM, That this new cuinzie be ſtricken even furth-with, groate, halfe groate, and penney, unto the ſaid new groate runne for aught pennies: the ſaid new groate to have courſe for twelve pennies: the halfe groate for ſex pennies: and the pennie for three pennies.

ITEM, That the *Lyon*, and halfe *Lyon* be ſtricken eaven ſa furth-with and have courſe to the ſaid time, the *Lyon* for ten ſhillinges: And the halfe *Lyon* for five ſhillinges.

ITEM, That proviſion be maid for the Gravoures of the irones, And that now incontinent traiſty ſworne men paſſe foorth, and receive all the irones of the Kingis ſtrykers baith of Gold and ſilver, togidder with the letters of graving fra the Gravoures, and before the King and his Councel they be deſtroyed, and the new irones that ſall be maid, ſall be given within the cuinzie place.

33. *Maiſter of the Cuinzie.*

ITEM, That the Maiſter of the money ſall anſwere for all gold and ſilver, that ſall be ſtricken under him, quhill the Wardane have tane aſſay thereof, and put it in his buiſt. And that na man ſall take the ſaid money, fra it be burled and clypped, bot at his awin lyking. And the ſaid Maiſter ſall have power to chooſe all ſervandes under him to ſtricke, and to puniſh them, gif they treſpaſſe. And that the prenters and ſtrickers were na Gold-ſmithes, and utheris might be gotten.

34. *That na man haue out of the Realme gold, ſilver, nor Bulzeon.*

ITEM, That na man have out of the Realme, gold, ſilver, nor Bulzeon, under the paine of eſcheiting thereof, the ane halfe to the King, and the outher halfe to the taintour and taker. Nevertheleſſe, becauſe that diverſe men mon paſſe throw *England* be land, or be Sea to *France*, *Flanders*, or uther countries, and na further, upon the quhilk the King mon take ſearchoures of leill men.

35. *That na cattle be ſauld in* England, *bot for reddie gold or ſilver.*

ITEM, That na Cattle be ſauld in *England* to *Engliſh-men*, bot for reddie gold or ſilver, under the paine of eſcheit of ſa meikle as is ſauld, to be diſtributed betwixt the King and the Wardane of the *Marche*.

36. *Anent the out-quiting of wed-ſettes.*

ITEM, That all wed-ſettes that are maid in the time of the money that now runnes, be payed in the time of the quiting out, of ſik money, as was lent, or elſe the availe of it.

ITEM, debtes and obligationes, of the payment, of the quhilkis the termes are gane, ilk man that will not paie betuixt this and *All-hallow* daie cum a twelve Moneth, ſik maner of debts throw obligationes, or uther maner of way, contracted in the money, that now runnis, they ſall pay it of the money, that runnis fra that daie foorth. Nevertheleſſe, the ſaidis deputes intendis not to give furder delay of the payment thereof, bot at the liking of the partie.

FINIS.

THE NINTH

PARLIAMENT

OF

KING JAMES THE SECOND,

Halden at Edinburgh, *the XXVI. daie of Auguſt, the zeir of God, ane thouſand foure hundreth, fiftie twa zeires.*

37. *Of Cornes and auld ſtackes.*

ITEM, It is ſtatute and ordained be our SOVERAINE LORD, & be adviſe of the Lords now preſent with him, that all maner of men, that hes corne unthreſchen within the Realme, ſall gar it be halilie threſchen out, before the laſt daie of *Maij* nixt to cum, under the paine of eſcheit to the King of the corne, that happenis to be un-threſchen, alſweill within barnes, as out-with. And that furth-with in all gudlie haſte, our Soveraine Lordis letters paſſe to all Schireffes of the Realme of charge for keiping of the ſaid ordinance. And that the ſaid Schireffes ſee, that the ſaid ſtatute be execute. And quhat Schireffe, that failzies heir-in-till, that they be diſcharged of the execution of their Office in time to come, induring the Kingis will, and utheris depute thereto.

38. *Girnalling of victuallis forbidden.*

ITEM, It is ordained, that na maner of victual be halden in Girnal be onie man, bot allanerly that is needefull for their awin perſones, & ſuſtentation of their houſhalds: And finally unto the terme of *Michael-mes* nixt to cum: bot that they be preſented to the mercat, under the paine of eſcheit.

39. *That na man hald mair victuall, then will ſuſteine himſelfe.*

ITEM, Hereafter it is ſtatute and ordained, that na man hald victual in Girnal to a dearth, and that na man hald victuall mair, then will ſerve him and his familie for ane quarter of ane zeir. And that they preſent all that they have mair to the mercat, within nine daies after to be ſauld, under the paine of eſcheit thereof. For the ſearching of the quhilk thing, there is depute ſearchers in *Edinburgh* & *Leith*, certaine perſons.

FINIS.

THE

THE TENTH

PARLIAMENT

OF

KING JAMES THE SECOND.

Halden at Edinburgh, *the ſexteenth daie of Julij, the zeir of God, ane thouſand, foure hundreth, fiftie foure zeires.*

40. *That in-bringers of victual, ſuld be favorablie treated.*

ITEM, For in-bringing of victualles, it is ordained, that ſtrangers that bringis in victualles, be favorably treated, and thankefullie payed for their victualles: And that there be na new cuſtome tane of them, and that there be na mair victual tane to the Kingis parte, bot allanerly alſmeikle as will ſerve his houſhalde: And richt-ſwa, gif *Scottis* Merchandes bringis in victual out of *England*, that they be favorablie treated, as ſaid is.

FINIS.

THE ELLEVENTH

PARLIAMENT

OF

KING JAMES THE SECOND,

Halden at Edinburgh, *the fourth daie of the Mon'th of Auguſt, the zeir of God, ane thouſand, foure hundreth, fiftie five zeires.*

41. *The Annexation of landes to the Crowne.*

ITEM, In the firſt, for-ſameikle as the povertie of the Crowne, is oft-times the cauſe of the povertie of the Realme, and that manie uther inconvenients ar there throw, the quhilkis were lang to expreeme, be the adviſe of the full Councell of the Parliament; It is ſtatute and ordained, that in ilk parte of the Realme for the Kings reſidence, quhair it happenis him to be, there be certaine Lord-ſhippes and Caſtelles annexed to the Crowne, perpetually to remaine. The quhilk may not be given in fee and heritage awaie, nor in franck-tenement to onie perſon, of quhat eſtaite or degree that ever he be, but adviſe, deliverance and decreete of the haill Parliament, and for great ſeeand and reaſonable cauſes of the Realme. And albeit it happenis our Soveraine Lord that now is, or onie of his Succeſſours Kinges of *Scotland*, till annaly or diſpone upon the Lord-ſhippes & Caſtelles annexed to the Crowne, as is before ſaid, that alienation or diſpoſition ſall be of nane availe. And it ſall be lauchfull to the King, beand for the time to receive thay landes, quhen ever him likis to his awin uſe, but onie proceſſe of Law, and the takers ſall refound all profites, that they have taken up of thay landes againe to the King, for all the time that they have them, and that our Soveraine Lord, that now is, be ſworn, and in like maner all his Succeſſours Kinges of *Scotland*, into their Coronation, to the keiping of this ſtatute, and all the poyntes thereof. Thir are the Lord-ſhippes and Caſtelles annexed to the Crowne.

IN The firſt, the haill cuſtomes of *Scotland*, the quhilkis were in our Soveraine Lordis handes the daie of his

of his deceaſe. And that our Soveraine Lorde that now is, content them that hes penſiones given foorth of the Cuſtomes, with uther thinges: ſa that the haill Cuſtomes may remaine till him. Item the Lordſhip of *Ettrick* forreſt, with all the bounds perteining thereto. Item, the hail Lordſhippe of *Galloway*, with ſik freedomes, commodities, as it hes thir daies, togidder with the Caſtle of *Creiſe*. Item, the Caſtle of *Edinburgh*. Item, the landes of *Ballincrieſe* and *Goſſuird*, togidder with all the landes lyand about, perteining to the King, within the Schireffedome of *Louthiane*. Item, the Caſtle of *Striviling*, with all and ſindrie the Kings landes lyand about it. Item, the Caſtell of *Dumbertane*, with the landes of *Cardroſſe*, *Roſneth*, with the penſion of *Cadzow*. and the penſion of the ferme meile of *Kirk-patrick*. Item, the hail Erledome of *Fife*, with the Palice of *Falkland*. Item, the Erledome of *Stratherne* with the pertinentes, the houſe and Lordſhipe of *Breichen*, with the ſervice and ſuperioritie of *Cortoquhay*. Item, the houſe of *Innernes* and *Urquhard*, and the Lordſhippes of them, and the Lordſhippes of *Abernethy*, with the water mailles of *Innernes*, togidder with the Barronies of *Urquhard*, *Glen-urquhane*, *Boneich*, *Bonochar*, *Annach*, *Edderdaile* called *Ardmannach*, *Petly*, *Brachly*, *Stratherne* with the pertinentes. Item, the *Reid Caſtlle* with the Lordſhippe of *Roſſe* perteining thereto, And that the annexationes of thir Lordſhippes and Caſtelles to the Crowne, make no prejvdice to our Soveraine Ladie the Queenes infeftment, that now is, anent the Lordſhippes and Caſtelles aſſigned till her dowrie be our Soveraine Lord and the three Eſtaites.

42. *The office of Wardane ſuld nocht be heretable: They are nocht judges in cauſes of treaſon or dittay.*

ITEM, It is ſtatute and ordained, that in time to come, there be na Wardanes on the Bordoures maid in fee and heretage. And that the wardanes have na power to know of the poyntes of treaſon, ſaifand the poyntes quhilkis are needfull for the conſervation of the trewes. And ſwa that the wardane courte intromet with na thing that perteinis to the dittaie of the juſtice aire.

43. *That all Regalities being in the Kingis handes, be annexed to the Royaltie.*

ITEM, That all Regalities that are now in the Kingis handes, be annexed to the Royalty. And that in time to cum, there be na regalities granted without deliverance of the Parliament.

44. *That na office be given in fee and heritage in time to-cum.*

ITEM, That there be na office in time to cum given in fee and heritage, and that the offices that are given ſen the deceaſe of OUR SOVERAINE LORDE, that deade is, be revoked and annulled, exceptand the wardanery of the Marche, the quhilk our Soveraine Lorde hes given to his Sonne *Alexander* Erle of *Marche*, and Lord of *Annand-daile*.

ITEM, It is ſtatute and ordained, that quhair ever offices of cuſtomes that are revoked, the quhilkis were granted till ony perſon, that maid coaſt at the King therefore: It ſall be recompenſed to them, the profites uptane thereof in the mean time beand conſidered.

45. *Sornares ſuld be puniſhed to the death.*

ITEM, Quhair ever Sornares be overtane in time to come, that they be delivered to the Kingis Schireffes and that foorthwith the Kingis Juſtices do Law upon them, as upon a thiefe or riever.

46. *That there be twelve perſones upon the ſecreit Councell of Burrowes.*

ITEM, It is ſtatute and ordained, for the commoun profite of all Burrowes of the Realme, that there be aucht or twelve perſones, after the quantitie of the towne, choſen of ſecreit Councell, and ſworne thereto: the quhilkis ſall decreit all maters of wrang and unlaw within the Burgh, to the availe of five pound, or aucht pound, within aucht daies warning: Swa that in prejudice of the innocentes, the delayer have not the priviledge of the proceſſe of law, bot upon aucht daies warning to be decided be the ſaids perſones.

47. *The maner of arraymentes for the Parliament.*

ITEM, As touching the habites of the Earles, Lordes of Parliament, Commiſſioners of Burrowes and Advocates, ſall have and uſe at all Parliamentes and Generall Councell times: It is ſtatute and ordained, that all Erles ſall uſe mantilles of browne grained, open before, furred with quhite lyning, and lyned before out-with ane hande breadth to the belt ſteede, with the ſamin furring, with little hudes of the ſamin claith, and to be uſed upon their ſhoulders. And the other Lordes of Parliament to have ane mantil of reide, richt-ſwa opened before, and lyned with ſilke, or furred with criſtie gray griece or purray, togidder with ane hudeof the ſamin claith, furred as ſaid is. And all Commiſſioners of Burrowes, ilk ane to have ane paire of Clokes of blew, furred fute ſide, open on the richt ſhoulder, furred as effeiris, and with ane hude of the ſamin, as ſaid is. And quhat Erle, Lord of Parliament, Commiſſioners of Burrowes, that enters in Parliament

liament or Generall Councell, but the ſaid habite furred, ſall foorth-with pay there-after ten pound to the King un-forgiven. And that in ilk Burgh quhair Parliament or Generall Councell ſall be halden, there be ordained quhair the Barre uſes to ſtand, a ſeate of three ſeges, ilk ane hiare then other, to the Commiſſionares to ſit on, under the paine of ten pound to be rayſed of the Towne, quhair the Parliament or Generall Councell ſall be halden, and the ſaid ſeges un-maid, als oft as they ar halden.

ITEM, That all men that are fore-ſpeakers for the coiſt, to have habits of greene, of the faſhion of a tunikil, and the ſleeves to be open as a Talbert. And quhilk of the Fore-ſpeakers that wantis it in that time of the ſaide Parliament or Generall Councelles, the ſaids habites, and afterwardes ſpeakis for meed, ſall pay five pound to the King.

FINIS.

THE TWELFTH PARLIAMENT OF KING JAMES THE SECOND,

Halden at Striviling, *the thretteenth daie of October, the zeir of God, ane thouſand, foure hundreth, fiftie five zeires.*

48. *The maner of taikening, for bdiles making.*

ITEM, It is ſeene ſpeedefull, that there be coiſt maid at the eaſt paſſage, betuixt *Roxbrugh* and *Berwick*. And that it be walked at certaine fuirds, the quhilkis gif miſter be, ſall make taikenings be bailes burning & fire. In the firſt, a baill to be maid at *Hume*, be the walkers at that fuird, quhair it may be ſeene at *Hume*: And als that the ſamin perſones may come to *Hume* in proper perſon, and their bailes to be maid in this maner. Ane Baile, is warning of their cumming, quhat power that ever they bee of: twa bailes togidder at anis, they are cumming in deed: four bailes, ilk ane beſide uther, and all at anis as foure candelles, ſuithfaſt knawledge, that they ar of great power and meanis far, as to *Hadingtoun*, *Dumbar*, *Dalkeith*, or thereby. The ſamin taikeninges to be watched and maid at *Eggerhope* Caſtel, fra they ſee the fire of *Hume*, that they fire richtſwa. And in like maner, on *Sowtra* edge ſall ſee the fire of *Eggerhope* Caſtel, & mak taikening in like maner. And then may all *Louthiane* be warned, and in ſpecial the Caſtel of *Edinburgh*, and their foure fyres to be maid in like maner, that they in *Fife*, and fra *Striviling* eaſt, and the eaſt parte of *Louthiane*, and to *Dumbar* all may ſee them, and cum to the defenſe of the Realme. And they will not be ſleuthfull themſelfe, for to be warned of thir fyres, they ſall wit of thir cumming over *Tweede*, and then conſidering that their far paſſage, we ſall god-willing be als ſoone reddie as they, & all people be weſt *Edinburgh* to draw to *Edinburgh*, and fra *Edinburgh* eaſt to *Hadingtoun*. And all Merchandes of Burrowes to perſew the Eaſt quarter, quhair it paſſis, and at *Dumpender-law* and *North-Berwick-law* Bailes to be brunt in forme before written, for warning of the ſeacoaſt. And gif onie *Scottiſ-man* dois onie treaſon, that is to ſay, warnis of the ryding of ane hoiſt, or onie *Scottiſ-men* to do harme in *England*, or to *Engliſh-men*, and that may openly be knawen upon him, he ſall have furth-with the commoun Law, & be hanged and drawen, and his gudes eſcheit to the King.

49. *Of perſones ſclandered or ſuſpect of treaſon.*

ITEM, Gif onie perſon or perſones be ſclandered or ſuſpect of treaſon, they ſall be tane and remaine in firmance, and their gudes under ſure Borrowes, quhill the time they have thoiled ane Aſſyſe, quhidder they be quite or foule.

50. *That nane paſſe in* England *in time of weir.*

ITEM, That na man paſſe into *England* without leave of the King, the Wardane, or of them he gives power to, in that part, in time of weir, under the paine of treaſon.

51. *That na* Engliſh-man *cum in* Scotland *without conduct.*

ITEM, Gif onie *Engliſh-man* cummis in the Kinrik of *Scotland*, to Kirk, mercat, or onie uther place, but conduct or aſſurance of the King, the Wardene, or them the power hes, he ſall be lauchfull priſoner to quhat perſon, that likes to take him.

ITEM, Gif onie *Scottiſ-man* bring in onie *Engliſh-man*, or meites them at onie tryſtis, not havand power, they ſall be taken, and put in firmance their gudes taken and arrieſted, to the time that they be puniſhed at the Kinges will and the Wardanes.

ITEM, That na *Scottiſ-man* ſit upon na ſpecial aſſurance of onie *Engliſh-man*, but leave of the King or the Wardane, under the paine of treaſoune.

52. *That na* Scottiſ-man *ſupply* Berwike *or* Roxbrugh: *Of parting of gudes taken fra the enemies.*

ITEM, That na *Scottiſ-man* ſupplie *Berwike* nor *Roxbrugh* with na victual, fewal, nor nane uther ſupportation, under the paine of treaſon. And quhen the Wardane rydis, or ony uther chiftaine, and with him great fellow-ſhip or ſmall, that nane gang awaie with na maner of gudes, quhill it be thridded and parted before the chieftane, as uſe and cuſtome is of the *Marches*, under the paine of treaſone, and to be hanged and drawen, and his gudes eſcheit.

53. *That na man rieve na maner of gudes nor priſoner.*

ITEM, That na man rieve ane uther na maner of gudes, nouther priſoner nor uther, quhilkis they are in poſſeſſion of, in *Engliſh* eird, or in *Scottis*, under the paine of death.

54. *That nane raiſe a fray in the hoſte wilfully.*

ITEM, Gif ony man raiſis a fray in the hoiſte in wilfull maner, withouttin cauſe, ſall be accuſed of treaſon.

ITEM, It is ſtatute, that quhair ſa ever any raides are maid in *England*, that thir ſaid ſtatutes be delivered to the headeſ-men. And that they openly gar them be maid knawin till all them, that paſſis with them, that nane of them may have eſſonzie or excuſation of negligence.

55. *Of Garniſones to be layd upon the* Bordoures.

ITEM, As tuitching the laying of Garniſones upon the *Bordoures:* It is adviſed and ordained be our Soveraine Lord and three Eſtaites, that there be layed in Garniſones, that is to ſay, twa hundreth ſpeares, twa hundreth bowes, upon the eaſt and middle *Marches:* And upon the weſt *Marches* to be layde ane hundreth ſpeares, and ane hundreth bowes. And for the making and finding of their expenſes, there ſall be foorth-with written letters to all the Schireffes to ſend in write to our Soveraine Lord the names of all and ſundrie the Lordes, Barronnes, and free-halders, alſwell dwelland within the boundes of Regalities, as Royalties, and the availe of ilk man, their landes, rents, poſſeſſiones, and the availe of their mooveable gudes, als near as can be eſteemed. And thereafter the Lords that ſall ſit, after the cumming of the ſaid writtes fra the Schireffes, ſall adviſe how many ilk Lorde and Free-halders ſall finde, quhen and quhair. And they that are neare hand the *Bordoures*, are ordained to have gud houſhalders and weill abuilzied men, as effeiris. And to be reddie at their principal place, and to paſſe with the Wardanes, quhen and quhair they ſall be charged.

FINIS.

THE

THE THRETTEENTH PARLIAMENT

Or GENERALL COUNCELL, of

KING JAMES THE SECOND.

Halden at Edinburgh, *the nineteenth daie of October, the zeir of God, ane thousand, foure hundreth, fiftie sex zeires.*

56. *That all men be reddie for defence of the Realme: and in quhat maner.*

ITEM, It is ordained, that all maner of men, that hes landes or gudes, bee reddie horsed and geared, and after the facultie of his landes and gudes, for the defence of the Realme, at the commandement of the Kingis Letters bee bailis or outhornes. And quha sa beis not, he will be punished in his person and gudes. And that all maner of men betuixt sextie and sexteene, be reddie on their best advise to come to the *Bordoures* and defend the land, quhen onie wittering cummis of the incumming of a greate *Englisch* hoast. And that na puir man, nor un-bodin be charged to come to anie raides in *England*. And that ilk man, that his gudes extendis to twentie markes, be bodin at the least with a jack, with sleeves to the hand, or splents, and ane pricked hat, a sword and a buckler, a bow, and a schaisse, gif he can get it: And gif he cannot, to have an axe and ane targe outher of ledder or of firne buind, with two bandes upon the back. And throw-out all the Schires they be warned to provide for sik thinges, and to make their weapon-schawinges before the Schireffes, Baillies or Stewartes of the Regalitie on the morning after the Law-daies after *Zule*. And quha that cummis not bodin, as effeiris, after his facultie, to be punished in his gudes. And swa foorth their weapon-shawings to be maid and continued fra threttie daies to threttie daies.

57. *The rule of the Pestilence.*

ITEM, As to the thrid article belangand the Pestilence and governance of it: The Clergie thinkis, that there sould no man to land nor to Burgh, that hes gudes to serve himselfe and his meinzie, be put out of his owne house, les then he will not remaine, nor will not be closed up in his owne house. And gif he disobeyis his Nichtboures, in that case, he sall be compelled to passe out of the towne. And gif there were onie persones, that had na gudes to finde themselfe, put foorth of ony town, they of the towne sulde finde them, and not let them passe awaie fra the place, that they were depute to remaine, to file the country about them. And gif ony sik put out of the towne wauld steale awaie, they of that towne that put him out, sould garre follow him and bring him againe, and compell him to remaine, and punish him for his awaie passing. And that no man burne an others house, bot gif it micht be done but hindering or skaith of his Nichtboures.

58. *The money and the gold cryed higher.*

ITEM, As to the article belangand money: It is statute, that the ordinance in the Parliament maid of before, anent the in-bringing of Bulzeon be better punished and keiped, then it hes bene in time bygane. And that there be mony of uther Countries cryed till have course in the Realme, sik as the *Henry Nobles* of Pace, to be cryed to twentie twa shillinges. The *Salute*, the *Rider*, the *Crowne*, the *Dolphine* to elleven shillings: The *Rhenish* Guilding to aucht shillings. And to the intent, that the *Dengez*, that is keiped in hande, have course and come out-throw the Realme, and syne to remayne in the Realme, and nor be had out of it: It is thocht expedient, that the *Denny* be cryed to ten shillinges. And the new *Lyon* to have course for ten shillinges, as it hes. And the new groate to twelve pennies: Notwithstanding that it was ordained to have course for aucht pennies fra certaine time foorth. And the sex penny groate till have course as it hes. And that there be cuinzied of ilk pound in small pennies a shilling. And that the Wardane see, that that be done to the fynes of the mater, that is cuinzied, as he will answere therefore. And that the *Englisch* groate, and halfe groate, and penny have course, as they had of before. And that the Lordes and Auditoures of the Checker, earnestlie purway and examine the fines baith of Gold and silver, the quhilk is presented to them upon the Checker in a buist be the Wardanes of the cuinzie. And that the cuinzioures under the paine of dead, nouther cuinzie *Denny*, nor uther that is cryed till have course in the land, nor zit sex-penny-groates.

59. *Of Faires.*

ITEM, As touching the complaintes maid by the Commiſſares of Burrowes of the Realme, that puir commounes ar greattumlie injured and oppreſſed be the Kingis Schireffes, Conſtables, and their Miniſters in time of Faires, takand diſtreſſes of their gudes of little quantitie quhilk they bring on their heades or their backes, or in their armes, in like maner of Karris, Sleddes and ſmall tymmer: It is ſeen ſpeedefull, that of ſik gudes of little quantitie or price, na diſtreſſe be tane in time to come for auld uſe and cuſtome. The Schireffes ſulde have, bot the beſt Oxe or Cowe or unridden Horſe, quhilkis are ſtalled and broucht to ſell. Item, of greate ſtalles of Merchandice, quhilkis cummis on horſe backes, or covered craimes, that occupyis the Faires, of the quhilkis they have uſe to tak their diſtreſſe for the continuation of Faires, the quhilk diſtres aucht to be delivered againe to the courte of the Faire, gif the perſon hes done na default nor diſtroubling in the Faire.

60. *Of the downe-laying of Conſtable fees.*

ITEM, Quhair the Conſtable deputes and his Miniſters in the time of the Seſſion and Generall Councell and Parliament, takis diſtreſſes for Conſtable fees of all maner of gudes, greate and ſmall, that cummis to the mercat to ſell, baith merchandice and victual: It is ſeene ſpeedefull, that that uſe be layde downe and forbidden in time to cum: Bot gif the Conſtables ſeftment beir him till it, and that they be ſchawen to the King and the three Eſtaites all in the nixt Parliament or Generall Councell. And that in the meane time the Conſtable ceaſe. For there can be no law founden according to that uſe.

FINIS.

THE FOURTENTH

PARLIAMENT

OF

KING JAMES THE SECOND.

Halden at Edinburgh, *the ſext daie of the Moneth of March, the zeir of God, ane thouſand, foure hundreth, fiftie ſeven zeires.*

61. *Quhat power the Lordes of Seſſion ſall have.*

ITEM, The *ſaidis* Lordes of the Seſſion ſall have power to know and decide all ſpoliationes, maid fra the daie of the Coronation of our Soveraine Lorde the King, to the *ſaid* firſt daie of *Januar*, for the ſpace of a zeir to cum. The quhilk zeire gane and out-run, all ſik ſpoliationes maid before the *ſaid* firſt day of *Januar*, ſall be decided and determined before the Judge ordinar of the Realme, the Lordes of Seſſion havand na power to knaw upon them, after the ſaide zeir be out-run. The quhilkis actiones of ſpuilzie, conſiſtis in twa maners: The firſt is ſpoliation of mooveable gudes, nouther touching fee nor heritage, the quhilk indifferentlie ſall be decided before the Lordes of Seſſion. The ſecond ſpoliation, that is to ſay, done becauſe of landes or poſſeſſiones debaitable, or grounded on fee and heritage. And upon that ſpoliation, the Lordes of Seſſion ſall proceede thus: That is to ſay, quhen the partie ſpuilzied compleinzies before the Lordes of the Seſſion on ony perſon; the Lordes ſall call the Schireffe, and furthwith ſall garre reſtore the ground without prejudice of ony partie, tuitchand that fee and heritage, and recognilh the landes in the Kings hands. Upon the quhilk ſpoliations maid, unto the time they be louſed be the King, and the King to make inquiſition be tane be the Schiref, quha was lauchfull poſſeſſour of thay Landes. And that inquiſition to retoure againe to the King, and thereafter let them to brough to that laſt lauchfull poſſeſſor of thay lands. And als the ſaidis Lordes ſall knaw upon all ſpoliationes of tackes and maillinges. And alſwa to knaw upon all obligationes, contractes, and all maner of debtes, and uther civil actiones, the quhilkis concernisenouther fee nor heritage. And the parties compleinzeand to have full freedome to follow their actiones bfore the ſaids Lordes or their ordinar Judge. And for till eſchew malitious vexationes of ony partie follow-

followand or defendand before the Seſſiones, the ſaid Lordes ſall foorthwith gar the expenſes be payed to the partie wrangeouſlie vexed be the modification of the ſaid Lordes.

62. *The maner how the cauſe ſall be brocht before the Lordes.*

THE Maner as the cauſe ſall be brocht before the Lordes of the Seſſion is this. The Schireffes of the Schires, quhair the ſaid Lordes ſall ſit, ſall be nowe warned to proclaime in ilk ane of thir places three Moneth of before the Seſſion, to be halden at dayes and place before written. And gif ony perſones hes ony actiones to follow, he ſall warne them to paſſe to the Kingis Chappel, and raiſe Summondes peremptour, upon fourtie daies warning, and call his partie before the Lordes of the Seſſion, the quhilkis ſall miniſter unto them juſtice, as effeiris. And the ſummoundes to bee underſtood upon actiones done before the proclaime of the Seſſion. The partie ſall anſwere peremptourlie upon ſhorter time, after as he beis ſummounde, ſwa that the time of the ſummoundes extende to fifteene daies. And gif ony action perteining to the ſaide Lordes knowledge, bee continued in the time of the ſaid Seſſion, in the Schire quhair the Seſſion ſittis be ony perſones, thay perſones to be arreiſted furth-with, with a Maſer, and juſtice to be done thereupon, as effeiris. And all uther cauſes perteining to the knawledge of the ſaid Lordes, ſall be utterly decided, and determined be them, but ony remeid of appellation to the King or the Parliament. And quhat perſon, that ever purchaſis a ſummondes upon the partie, and he have ony preevis to lead, that he raiſe then a ſummoundes upon his preevis, and bring them with him to the Seſſion, as he will be ſerved.

63. *The expenſes of the Lordes.*

ITEM, As tuitching the expenſes of the Lords before written, and the places that they ſall ſit in, and the greate gude of the Realme conſidered: The Lordes of the three Eſtaites thinkis, that the ſaidis Lordes of the Seſſion of their awin benevolence, ſuld beare their awin coaſtes, conſidering the ſhortneſſe of the time of their ſitting, the quhilk is bot fourtie daies, and peradventure in ſeven yeire not to cum again to them. And to ſupporte ſum parte of their expenſes, they ſall have the Kingis unlaw of their awin court, the quhilk ſall be fourtie ſhillinges un-forgiven, to be divided betwixt them, and the Clerk of the Regiſter be evenly portions.

64. *Weapon-ſhawings, Fute-ball, Golfe, and Archers.*

ITEM, It it is decreeted and ordained, that the Weaponſchawinges be halden be the Lordes and barronnes Spiritual and Temporal, foure times in the zeir. And that the Fute-ball and Golfe be utterly cryed downe, and not to be uſed. And that the bow markes be maid, at ilk Pariſh Kirk a pair of Buttes, and ſchutting be uſed. And that ilk man ſchutte ſex ſchottes at the leaſt, under the paine to be raiſed upon them, that cummis not at the leaſt, twa pennies to be given to them, that cummis to the bowe-markes to drink. And this to be uſed fra *Paſche* till *Alhallow-mes* after. And be the nixt Midſommer to be reddy with all their graith Without failzie. And that there be a bower and a fledgear in ilk head town of the Schire. And that the town furniſh him of ſtuffe and graith, after as needs him thereto, that they may ſerve the countrie with. And as tuitching the fute-ball and the golfe, to be puniſhed be the Barronnis un-law, and gif he takis not the unlaw, that it be taken be the Kingis Officiares. And gif the Parochin be meikle, that there be three or or foure, or five bowe-markes in ſik places, as gainis therefore. And that all men, that is within fiftie, and paſt twelve zeiris, ſall uſe ſchutting.

65. *Of the Deakon of Gold-ſmithes: and of the marking of their warke.*

ITEM, As anent the reformation of gold and ſilver wrocht be Gold-ſmithes, and to eſchew the deceiving done to the Kingis lieges, there ſall be ordained in ilk Burgh quhair Gold-ſmithes workis ane underſtanding and a cunning man, of gude conſcience, quhilk ſall be Deakone of the craft. And quhen the warke is brocht to the Gold-ſmithe, and it be gold, what gold that beis brocht till him, he ſall give it foorth againe in warke na war, nor elleven graines. And the ſaid Gold-ſmith ſall take his warke or he give it foorth, and paſſe to the Deakone of the craft, & gar him examine, that it be ſa fine as is before written. And the ſaid Deakone ſall ſet his marke and taken thereto, togidder with the ſaid Gold-ſmithes. And gif faulte be founden therein afterwards, the Deakone foreſaid and Gold-ſmithes gudes ſall be in eſcheit to the King, and their lives at the Kingis will. And the ſaide Deakone ſall have to his fee of ilk ounce wrocht, an penny: And quhair there is no Gold-ſmithes, bot ane in a towne, he ſall ſhew that warke takened with his awin marke to the head Officiares of the towne, quhilkis ſall have a marke in like maner ordained therefore, and ſall be ſet to the ſaid warke. And quhat Gold-ſmith, that givis foorth his warke utherwaies, then is before written, his gudes ſall be confiſcat to the King, and his life at the Kingis will.

66. *That na litſtar bye claith to ſell.*

ITEM, It is ſeene ſpeedefull, that ſit be cryed up, and uſed as it was wont to be. And that na Litſtar be Draper, nor bye claith to ſell againe, nor zit thoiled thereto, under the paine of eſcheit.

67. *Quhat men ſuld ſaill in Merchandice.*

ITEM, Anent the Eſtaite of Merchandice, and reſtriction of the multitude of ſaillers, it is ſeene ſpeidful be the Eſtaite of Clergie and the Barrones, and ſtarute be the King, that their ſaill na perſones, bot abill and of gude fame, and that he have at the leaſt three ſerplaithes of his awen guddes, or elſe the availe thereof committed till him. And that the Saillers in Merchandice be free-men of Burrowes, indwellares within Burgh.

68. *The habites for Lordes of Seſſion and men of Law.*

ITEM, As anent the habites of Earles, Lordes of Parliament, Commiſſioners of Burrowes, and men of Law, it is ſeene ſpeedful, that they be maid and uſed after the tenour of the act maid thereupon. And that the King make a patron of ilk habit, and all the lave to be maid thereafter.

69. *Reformation of Hoſpitalles.*

ITEM, As anent the reformation of hoſpitalles: It is ſeene ſpeedefull, that our Soveraine Lorde charge his Chancellar, quhilk of Law aught to viſie the Hoſpitalles, founded be Kings, and they joyne to him the ordinar of ilk dioceſie, and other twa perſons of good conſcience to viſit the ſaid Hoſpitalles. And quhair they can get the foundations of them, to garre them be keiped. And quhair na foundation can be gotten, to make inquiſition of the cuntrie, and refer to the King to ſee the remeid therefore.

70. *Of coaſtly claithing, and that na woman cum to the Kirk muſſaled.*

ITEM, That ſen the Realme in ilk Eſtaite is greatumlie pured throwe ſumptuous claithing, baith of men and women, and in ſpecial within Burrowes and commouns of Landwart: The Lordes thinkis ſpeidful, that reſtriction be thereof in this manner: That na man within Burgh that livis be merchandice, bot gif hee be a perſon conſtitute in dignitie, as Alderman, Baillie, or uther gude Worthy men, that ar of the Councel of the towne, and their wives; weare claithes of ſilk, nor coſtly ſcarletts in gownes, or furringes with mertrickes. And that they make their wives and dauchters in like manner be abuilzied, gangand and correſpondant for their eſtaite, that is to ſay, on their heads ſhort curches, with little hudes, as ar uſed in *Flanders*, *England*, and uther cuntries. And as to their gowns, that na women weare Mertricks nor letteis, nor tailes unfit in length, nor furred under, bot on the Halie-day. And in like manner the Barronnes and uther puir Gentlemen, and their wives, that ar within fourtie pound of auld extent. And as anent the commounes, that na Laborers nor husband men weare on the warke daye, bot gray and quhite, and on the Halie-daie bot light blew, greene, redde, and their wives right ſwa, and courchies of their awin making, and that it exceed not the price of xl. pennyes the elne. And that na woman cum to Kirk, nor mercat with her face muſſalled, or covered, that ſche may not be kend, under the paine of eſcheit of the courchie. And as to the Clerkes, that nane weare gownes of ſcarlet, nor furring of mertricks, bot gif he be ane perſon conſtitute in dignitie in Cathedral or Colledge Kirk: or elſe, that he may ſpende two hundreth markes, or greate Nobiles, or Doctoures. And this to be now proclaimed, and put to execution be the firſt day of *Maij*, under the paine of eſcheit of the habite, that is to ſay, of the Clerkes be the ordinar Judge, and the lave be the Kinges Officiares.

ITEM, It is ſeene ſpeidfull, that Juſtice Aires be halden, and continued zeirlie through-oute the Realme, for gude of the commounes.

71. *The King, Lordes, Prelates, Barronnes, and Free-halders may ſet their Landes in few-ferme.*

ITEM, As anent few-ferme, the Lordes thinkis ſpeidfull, that the King beginne and give example to the lave. And quhat Prelat, Barronne, or Free-halder, that can accord with his tennent, upon ſetting of few-ferme of his awin land in all or in part, our Soveraine Lord ſall ratifie and apprieve the ſaid aſſedation, ſa that gif the tennandrie happenis to be in waird in the Kingis hands, the ſaid tennent ſall remaine with his few-ferme unremooved, payand to the King ſiklike ferme, induring the waird, as he did to the Lord, ſa that it be ſet till a competent availe without prejudice to the King.

72. *That the freedomes of Regales be keeped, and nane abuſed in prejudice of the Kinges Lawes.*

ITEM, As to the Regales; It is ſtatute and ordained, that all priviledges and freedomes be keeped, as they are founden. And gif onie havand Regal, abuſe it in prejudice of the Kingis Lawes and breaking of the cuntrie, that they be puniſhed be the King and the Law, as effeiris.

73. *Ane univerſal meaſour to be maid and a ſtandart.*

ITEM, Anent mettes and meaſoures, it is ſeene ſpeidfull, that ſen we have bot a King and a Law univerſall throw out the Realme, we ſuld have bot a mette and meaſour generall to ſerve all the Realme, that

that is to ſay, ane pint, a quart: quhilk was given be the ordinance of the three Eſtaites, Schir *John Foreſter* that time beand Chalmerlane into the Burgh of *Striviling*; as for the ſtandart, they to remaine univerſallie throw-out the Realme. And the firlot ſall be maid thereafter, that is to ſay, ilk firlot ſall conteine eightteene pyntes of the ſamin meaſure round and in like wide under and abone, the twa buirdes conteinand even over in thicknes ane inch and a halfe, and the breadth over within the buirds ſextene and a halfe: And the halfe firlot and peck to follow in the ſamin kinde. And of thir ſaid meaſures, that is to ſay, pynt, quart, and firlot, ſall be maid new, three ſtanderts: Ane to ſende till *Aberdene*, ane uther to *Perth*, and the thrid till *Edinburg*, to remaine, and now to be proclaymed there, fra the feaſt of Saint *Michael* next to cum, That thay meaſures, pynt, quart, and firlot have courſe, and nane uthers. Swa that in the meane time, all maner of perſones, that thinks till uſe the ſaid meaſures, may get them, beand burnt and ſealed with the ſeales of thay ſteides, as they will uſe, and be ſerved thereafter. And gif ony perſones after the ſaid termes uſis uther meaſures then thir, & there may be taint gotten thereof be the dittay, or utherwaies, they ſall pay the unlaw of the Chalmerlaine air double: And gif ony man be founded of auld or of newe fermes of uther meaſures then are abone written, their foundation ſall ſtand in effect, and the meaſure of their foundation ſall be proportionate to this meaſure that now is, ſwa that the ſamin quantitie ſall remaine with the giver and the receiver, but prejudice of ony of them.

74. *He quha takis him to his remiſſion, ſall finde caution to ſatisfie the partie.*

ITEM, Anent the contentation of parties compleinzeand of divers perſones, quhilkis hes remiſſiones of the King: It is ſeene ſpeedeful for ony partie, quhair of it is pleinzied, and alleagis till his remiſſion, as for ſpulzie of gudes, outher be theft or rief, the partie alleage-and till his remiſſion, ſall finde ſicker burrowes, to content the partie compleinzeand within fourtie daies nixt followand. And gif he dois not, he ſall remain in the Kingis priſon, quhill the ſaide fourtie dayes be runnin, and then his remiſſion to be expyred, and of no value. And as of actiones committed in times by-gane, the partie compleinzeand, ſall have recourſe to the Lordes of the Seſſion, the quhilkis ſall have power to garre them be reſtored, after the tenour of the acte of ſpoliation maid thereupon: Or gif it pleaſis the partie to follow to the third aire, after the auld uſe and cuſtome: And there after gif the partie be not content, his remiſſion to be expyred and of nane availe, as is foreſaid.

75. *That na Free-halder be conſtreinzied to the Parliament, bot he be of xx. pounds worth of land.*

ITEM, The Lordes thinkis ſpeedefull, that na Free-halder, that haldis of the King under the ſumme of twentie poundes, be conſtrenzied to cum to the Parliament or General Councel, as for preſence, bot gif he be ane Barronne, or els be ſpecally of the Kingis Commondement warned, outher be officiar or be writ.

76. *The punition of negligent Officiares.*

ITEM, OUR SOVERAINE LORD, and his three Eſtaites ordainis and determinis, gif that ony of his Officiares or Schireffes, Maires, Baillies, Crowners, Serjandes, Proveſtes of Burrowes, and their Miniſters baith to land and to burgh, be foundin faultiſe or negligent in the execution of their offices, and it may be lauchfully prooved on him, or notourly kend, gif the ſaid office perteinis to him in fee and heritage, he ſall tine his Office, and the profite thereof for ane zeir and a day, and to be puniſhed be the King in his perſon and gudes, after the quantitie of his treſpaſſe. And gif his office perteinis to him not in fee and heritage, he ſall tine his office for all the times he hes it, and to be puniſhed in his perſon, after the quantitie of ſik treſpaſſe, at the Kingis will.

77. *That na leagues nor bandes be maid within Burrowes nor man-rent.*

ITEM, It is ſeene ſpeedefull to the Lordes, that within the Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit na commotion nor riſing of commounes in hindering of the commoun Law, bot at the commandement of their head Officiar. And gif ony dois in the contrarie, and knawledge and taint may be gotten thereof, their gudes that ar foundin guiltie therein, to be confiſcat to the King, and their lives at the Kingis will. And that na man dwelland within burgh, be foundin in man-rent, nor ride in rowte in feare of weir with na man, bot with the King or his Officiares, or with the Lord of the Burgh, that they dwell in, or with their officiares, under the ſamin paine. And in like maner, that na indweller within burgh nor land, purches ony Lordſhippe in oppreſſion of his Nichtboures in like maner, under the ſamin paine.

78. *Of them that occupyis Lordes landes againſt their willes.*

ITEM, Anent maiſterful-men, that ſchaipis them to occupy maiſterfully Lords landes, baith Spiritual and Temporal: The Lordes thinks ſpeedefull, that the perſones compleinzieand upon ſik maiſterful-men, ſall cum to the Kingis Schireffe and Baillie, and aske his ground for to be devoyded, or to ſee what reaſon, that partie

partie occupyand the ground pretendis for him: And gif the Schireffe findis na reaſon in the occupation of the grounde, the Schireffe ſall devoyde the grounde baith of him and his gudes: And charge him in the Kingis name, that he make na mair diſtroublance to the Lorde nor his ground in time cumming, under the paine of the Kingis Waird. And gif he dois ony thing there attour, foorth-with till arreiſt his perſon, and ſende him to the Kingis Waird.

79. *The Juſtice to take inquiſition of ſornares, bairdes, feinzied fuiles, and maiſterfull beggares in all Juſtice aires.*

ITEM, The Lords thinkis ſpeedefull, that in all Juſtice aires, the Kingis Juſtice gar take inquiſition of ſornares, bairdes, maiſterfull beggers, or feinzied fuiles: & outher baniſh them the cuntrie, or ſend them to the Kingis priſon.

80. *To ſaw broome and make hedges.*

ITEM, Anent plantation of woodes and hedges, and ſawing of broome: The Lords thinkis ſpeedeful, that the King charge all his free-halders baith Spirituall and Temporal, that in the making of their *Whit-ſundayis* ſet, they ſtatute and ordaine, that all their tennentes plant wooddes and trees, and make hedges, and ſaw broome, after the faculties of their maillinges, in place convenient therefore, under ſik paine as law and unlaw of the Barone or Lord ſall modifie.

81. *Of ſawing of quheate, peaſe and beanes.*

ITEM, Anent the ſawing of Quheate, Peaſe, and Beanes: It is ſeene ſpeedefull, that ilk man earand with a pleuch of aught Oxen, ſall ſaw at the leaſt ilk zeir, ane firlot of quheate, halfe ane firlot of peaſe, and xl. beanes, under the paine of ten ſhillinges to the Barronne of that land, that he dwellis in, als oft as he beis founden faultiſe. And gif the Barronne ſawis not the ſaid corne in his domaines, he ſall pay to the King, ten ſhillings: And gif the Barronne beis founden negligent in the receiving of that paine fra his husbandes, there ſall be raiſed on him fourtie ſhillinges, als oft as he defaultis, without remiſſion of the King.

82. *That na man cum to Courtes bot in ſober wiſe.*

ITEM, It is ordained and decreeted, that in all Juſtice aires, Schireffe Courtes, and generally all Courtes of Spiritual and Temporal, that all perſones, Free-halders, and all utheris of the Kingis lieges, ſall cum thereto in ſober and quiet maner. And that na man bring with him maa perſones then ar in his dailie houſhald and familiars. And fra he be cummin to his Innes, he and they ſall lay their weapons and armour fra them (gif they bring ony with them) and uſe na weapons for that time bot his knife. And gif ony man be feeded, and alleagis feede, or dreade of ony partie, the Schireffe ſall furth-with of baith take law burrowes, and for bid them in the Kingis name to trouble the Kingis peace, under the paine of Lawe. The quhilk paine the King ſall execute without remiſſion, upon the breakers of the peace fore-ſaid. And if the Shireffe be negligent there in, he ſall be puniſhed after the forme of the ſtatute maide of the reformation of the faults of Officiares, within the Realme.

83. *Of making of Hedges.*

ITEM, That na man make hedges of dry ſtaikes, rice or ſtickes, or zit of hewen wood, bot allanerly of lyand wood.

84. *Anent wild foules, and foules of rieſe.*

ITEM, Anentis birdes and wilde foules, that gainis to eate for the ſuſtentation of man, as Pertrickes, Plovares, and ſik like foules: It is ordained, that na man deſtroy their neſtes, nor their egges, nor zit ſlaye wild-fowles in mouting time, quhen they may not flie. And that all men after their power deſtroy neſtes and egges of birdes, and foules of rieſe.

ITEM, Anent ruikes, crawes, and uther foules of rieſe, as eirnes, biſſettes, gleddes, mittalles, the quhilk deſtroyis baith cornes and wilde foules, ſik as pertrickes, plovares, and utheris. And as to the ruikes and crawes biggand in orchardes, trees, and uther places: It is ſeene ſpeedeful, that they that ſik trees perteinis to, let them to big, and deſtroy them with all their power, and in na waies that their birdes flee awaie. And quhair it is tainted that they big, and their birdes flee, and the neſte be founden in the trees at *Beltane:* the trees ſall be faulted to the King: bot gif they be redeemed fra him be them, that they perteined firſt, and five ſhillinges to the Kingis unlaw. And that the ſaid foules of rieſe all utterly be deſtroyed be all maner of men, be all ingine of all maner of crafts that may be founden. For the ſlauchter of them ſall cauſe great multitude of divers kind of wilde-foules for mans ſuſtentation.

85. *The*

85. *The ſlauchter of redde fiſh in forbidden time, and paine thereof.*

ITEM, As anent redde fiſh, it is ordained, that quha ſa beis convict of ſlauchter of redde fiſh in time forbidden be the law: the doer, and he that biddis it be done, ſall pay ten pound for his unlaw, but remiſſion. And at the third time, and he be convict of ſik treſpaſſe, he ſall bye his life. And gif ony man be infeft of freedome to fiſh in forbidden time, ſik priviledges ſall ceaſe to the nixt Parliament: and gif ony dois the contrarie, he ſall pay an unlaw before the Juſtice: upon the quhilk treſpaſſe, the Juſtice-Clerke ſall inquire at the receiving of the dittay.

86. *That nane ſet Creilles in waters.*

ITEM, that na man in ſmolt time, ſet veſchelles, creilles, weires, or ony uther ingine to let the ſmolts to goe to the Sea, under the paine of ten pound to the King: And that the Schireffe of the land deſtroye them that are maid.

87. *To ſee for the deſtruction of Woolfes.*

ITEM, It is ordained for the deſtruction of Woolfes, that in ilk cuntrie quhair ony is, the Schireffe or the Baillie of that cuntry ſall gadder the cuntrie folke three times in the zeir, betwixt S. *Markis* day and *Lambes*, for that is the time of the Quhelpes. And quhat ever he be that riſis not with the Schireffe, Baillie, or Barronne within himſelfe, ſall pay unforgiven a wedder, as is conteined in the auld act maid thereupon. And he that ſlayis ane Woolfe in ony time, he ſall have of ilk houſhalder of that Parochin that the woolfe is ſlaine within, a penny. And gif ony Woolfe happenis to cum in the cuntrie, that wit be gotten of: the cuntrie ſall be readie, and ilk houſhalder to hunt them, under the paine foreſaide: And they that ſlayis ane Woolfe, ſall bring the head to the Schireffe, Baillie, or Barronne, and he ſall be debtour to the ſlayer for the ſumme foreſaide. And quhatſumever hee bee that ſlayis ane Woolfe, and bringis the head to the Shiriffe, Lord, Baillie, or Barronne, he ſall have ſex pennyes.

88. *Anent the ſlayers of Hares and deſtroyers of Cunninges.*

ITEM, Anent the ſlayers of Hares in ſnaw time, and deſtruction of Cunninges, the three Eſtaites declaris, that to be a poynt of dittay.

89. *That all the actes be copied fra the Clerk of the Regiſter, and proclaymed.*

ITEM, The Lordes thinkis ſpeedeful, that our Soveraine Lorde commande all his Schireffes and Commiſſaries of Burrowes to cum to the Clerke of the Regiſter, and gar copy all the actes, articles, and ſtatutes above written, and garre proclaime them openly through their Schires and Burrowes: Swa that nane of his Lieges alleage ignorance of them in time to-cum. And als that the articles and ordinances abone written, the quhilkis ar neceſſar till his Barronnes and Free-halders, be ſchawen at their *Whitſundayes* making, or their Barrone Courtes, richtſwa be taken and copyed, and ſchawen ro their tennentes. Swa that nouther the Free-halder nor tennentes pretermit the obſerving of the ſaid decreetes. And that the paines ſet thereupon be dewlie raiſed, that the ſaid actes and decreetes may be obſerved, as effeiris. And attour, ſen God of his grace hes ſende our Soveraine Lorde ſik progreſſes and proſperitie, that all his Rebelles and breakers of his Juſtice, ar removed out of his Realme, and na maiſterfull partie remained, that may cauſe ony breaking in his Realme: Swa that his hieneſſe be inclined in himſelfe and his miniſters to the quiet and commoun profite of the Realme, Juſtice and equitie to be keiped among his lieges: His three Eſtaites moſt humble exhortis and requires his hienes, to be inclined with ſik diligence to the execution of thir ſtatutes, actes and decreetes above written, that God may be empleaſed of him and all his Lieges Spiritual and Temporal: And pray till God for him, and give thanking to him, that ſende them ſik a Prince to their Governour and defender.

FINIS.

ANE TABLE

Of the

PARTICULAR and uther ACTES maid be KING JAMES the Second, quhilks ar nocht prented.

In the Councell, the threttenth day of March, the zeir of God, ane thousand, foure hundreth, threttie aucht zeires.

OF halding of Sessiones zeirly.

Fourth Parliament, IV. of November. 1443.

The last part of the act maid anent the defense of the halie Kirk.
ITEM, ane act in the Parliament, 14. *of* Julij, 1445. *Concerning landes quhilks perteined to King* James *the First.*

Sext Parliament, XIX. of Januar. 1449.

Of the examining of Actes of Parliament and Generall Councell, bigging of Toures and fortalices.
The Parliament 28. *of* March, 1450. *conteining ane particular Acte touching* John Lindesay *of* Dunrod.

Elleventh Parliament, IV. of August. 1455.

That nane receipt James, *sumetime Erle of* Dowglasse.
Of him quha takis ane false quinzieour.
Ane Embassadour to be sent to the Paipe.

Threttenth Parliament, XII. of October. 1456.

Anent weir and defense of the Realme.
Anent sitting of Sessions.

Fourteenth Parliament, VI. of March. 1457.

Of Sessions. The Provision for money. The last part of the acte anent Hospitalles. Anent Beggers. Of Chalmerlane aires. Of taking of stresses be the Constable. Of keesing-makers. Of mure-burne.

FINIS.

THE





IACOBVS . III . REX . SCOTORVM .

THE FIRST

PARLIAMENT

OF

KING JAMES THE THRID,

Halden at Edinburgh, *the IX. Day of October: The Zeir of God, Ane thouſand, foure hundreth, threeſcoir ſex zeires: And of his Reigne the firſt zeir.*

1. *For obſerving of the honour of haly Kirk.*

ITEM, In the firſt, it is ſtatute and ordained, that the priviledge and honour of halie Kirk, & Spiritual perſones be obſerved, keiped, mainteined, and defended in honour and libertie, be our Soveraine Lordis authoritie, or the time of his reigne, as it hes bene in the time of his Noble Predeceſſoures & Progenitoures of before, after the forme and ſtatute maid thereupon.

2. *Anent the Queenis Dowrie.*

ITEM, As to the Dowrie of the Queene: it is ordained, that the thrid of the Kingis rentes of aſſiſe, that is to ſay, of landes and cuſtomes, be aſſigned till her tierce and dowrie allanerly, and no furder.

3. *That na commendes be purchaſed.*

ITEM, Anentis commendes, it is ſtatute, that na commendes of newe or aulde be ſuſteined, or ſuffered within the Realme, nor that commendes purchaſed of before be halden. And that nane of our Soveraine Lordes Lieges take upon hand to purches or take any commendes, nor to hald commendes purchaſed of before, outher of Religious or Secular benefice, under the paine of tinſel of his temporalitie for his time, and under the paine of Rebellion utherwaies, then is lauchfull to the ordinar to commend for ſex monethes.

4. *That na penſion of benefice be taken.*

ITEM, That na penſion of new or auld be purchaſed nor taken out-with the Realme nor within, of ony Benefice Religious or Secular, without the conſent of the poſſeſſour, giver and taker, under the ſamin paine.

5. *The paine of the breaking of the Law-burrowes.*

ITEM, As anent Law-burrowes: It is ſtatute, that gif Law-burrowes be broken upon ony Biſhop, Abbot, or Prelate of haly Kirk, Erle, Lord of Parliament: That is to ſay, in the hurting of their awin perſones or their ſervandes, the burgh or burrowes of him, that findes thay burrowes, and breakis the ſamin, ſall pay to our Soveraine Lord for amerciament, the ſumme of ane hundreth pounds. And gif Law-burrowes be broken upon Knight, Barronne, Squier, or great beneficed Clerkes, the ſumme of fiftie pounds. And gif they be broken upon Burgeſſes, zeamen, or Prieſtes, the ſumme of xxx. punds, togidder with amendis to the partie, les then the Law-burrowes bring the treſpaſſoures to the King, or the Schireffe of the Schire, within fourtie daies, or els pay the ſumme, as effeiris, for the perſon, as is before written. And the King to have the unlawes of all Law-burrowes broken, that is tane be his awin officiares, outher to land or to burgh. And the Lordes of the Regalities and Barronnies, ſall have the unlawes within their landes,

quhair ſik Burrowes ar taken be them, or their officiares, in ſa far as they have priviledge, after the forme of the auld infeftments and freedomes, as they had before. And this to indure to the nixt Parliament.

6. *That Summoundes be maid of xxi. dayes.*

ITEM, As anent Summoundes: It is ſtatute for the eaſe of the Kingis Lieges, that Summoundes peremptour be abridged to xxj. dayes of all actions cuſtomable, to cum before the King and his Councell, that the Summoundes be execute of the time foreſaid.

7. *That na* Engliſh-man *have benefice within* Scotland.

ITEM, That na *Engliſh-man* have benefice, Secular or Religious, within the Realme of *Scotland*, after the forme of the act maid thereupon be King ROBERT the *Bruyſe*.

8. *That na perſones have money out of the Realme, under the paine of eſcheit thereof.*

ITEM, It is ſtatute for the mater of money, and for the halding of the ſamin within the Realme, and ordained that na man Spiritual nor Temporal, liege to our Soveraine Lorde, have, nor ſend na money out of the Realme, under the paine of ten pounds unremittable to the King for amerciament, and als meikle money as he takis or ſendis out of the Realme. And attour, it ſall be a poynt of dittay, and Seculares to cum before the Kingis Juſtice depute in that part, to be limite and ordained be his Hieneſſe, of fifteene dayes proclamation: And gif they be foundin culpable, they ſall pay the ſaid amerciament, togidder with the quantitie of the money that is taken out of the Realme: And Clerkes before their Ordinar and Official: and gif they be founden in likewiſe culpable therein, they ſall pay the ſaid amerciament, togidder with alſmeikle money, as is taken out of the Realme, ſaifand moderate expenſes, to the availe of ane *Engliſh* Noble of ilk perſon. And that Clerkes ſailling or paſſing out of the Realme, ſall cum before their Ordinar or his Official, and mak aith, that they ſall nouther have, nor ſend na money out of the Realme, bot his ſaid expenſes. And that Seculares ſall cum before the Kingis deputes to be limit at ilk Haven, and make faith likewiſe. And quha that paſſis Spiritual or Temporal out of the Realme, not givand his ſaide aithe, ſall be in amerciament to the King of five poundes, of Clerkes, to be raiſed be their Ordinar, and of Seculares be his Hieneſſe.

9. *Of money and black fardinges.*

ITEM, It is ſtatute for the eaſe and ſuſtentation of the Kingis lieges, and almous deede to be done to puir folk: That there be cuinzied copper money, foure to the penny, havand on th'ane part the croce of *Saint-Andrew*, and the crowne on th'other part, with ſubſcription of *Edinburgh* on th'ane part, and ane *R.* with JAMES on th'other part. And that there be cuinzied three hundreth poundes conteinand ſilver. And that they paſſe in payment for bread and aile, and uther merchandice, and in greate Merchandice to be taken xij. d. in a pund. And that all uther money, gold and ſilver have cours, as it had of before, except the new *Engliſh* groate of EDWARDIS cuinzie to have courſe amang the Kingis lieges for ten pennyes, and na dearer, and the new Noble of the *Roſe* for twentie five ſhillinges. And the Lordes, that ſall be limited to have ſtrength of the Parliament in uther cauſes, as is before written, have power to make ſik rules and ſtatutes of the ſex-penny-groate of the *Floure deluce*, as they ſall think expedient for the gud of the Realme.

10. *Anent the reformation of Hoſpitalles.*

ITEM, Anent the reformation of Hoſpitalles, and for the keiping of the failzied creatures: It is ſtatute and ordained, that all the Ordinares of the Realme ſall warne all them that hes Hoſpitalles in their dioceſies, and ſummound them till a day be the Kingis and the Ordinaris letters. To the quhilk day the Chancellar, or his deputes ſall cum with the Ordinar, & ſee the infeftments and foundationes. And be the adviſe of the Chancellar and ordinar, to be reduced to their firſt foundationes, quhair-throw Gods ſervice may be obſerved and miſerabill perſones ſuſteined, and quhair the infeftmentes can not be funden, be the adviſe of the Ordinar and the Chancellar, the fruites of the Hoſpital ſall be aſſigned to pure and miſerable perſones, in ſa far as the fruites are of availe. And that twa gude men of conſcience be warned be the Ordinar, to be with him and the Chancellar, for the reformation to be maid. And that to be done in continent, or the parting of the Ordinar and the Chancellar.

FINIS.

THE

THE SECOND PARLIAMENT OF KING JAMES THE THRID.

Halden the laſt daie of Januar, the zeir of God, ane thouſand, foure hundreth, ſextie ſex zeires.

11. *That nane paſſe in Merchandice out of the Realme, but freemen.*

ITEM, In the firſt, that nane of our Soveraine Lordis leiges ſail, nor paſſe in merchandice out of the realme, bot freemen burgeſſes dwelland within Burgh, or their familiares, factoures, ſervandes, being wirh them in houſhalde at meate and drinke: Saifand, that it ſall be lauchfull to Prelates, Lordes, Barrones, Clerkes, to ſend their proper gudes with their ſervandes, and to bye againe thinges neidfull to their proper uſe.

12. *That na man of craft uſe merchandice.*

ITEM, It is ſtatute and ordained, that na man of craft uſe merchandice be himſelfe, nor ſaill in merchandice, nouther be himſelfe, nor his factoures, nor his ſervandes, bot gif he have leave, and renunce his craft, but collour or diſſimulation.

13. *That na man ſaill in merchandice without halfe a laſt of gudes.*

ITEM, That na man ſail, nor paſſe out of the Realme in onie merhandice, bot a famous and worſhipfull man, havand of his awin halfe ane laſt of gudes, or ſameikle in ſteiring or governance, under the Paine of ten pounds to be rayſed to our Soveraine Lordes profite of ilk perſon doand the contrarie hereof.

14. *That na ſchip be frauchted without a Charter partie.*

ITEM, It is likewiſe ſtatute and ordained, that in time to cum, there be na ſchip frauchted without a Charter-partie contenand thir pointes under written, that is to ſay, that the maiſter of the Schip ſall find ſufficient ſteir-man, tymmer-men, and ſchip-men convenient for the Schip. And that the maiſter finde free to the Merchands fire, water, and ſalt on his coiſt. And gif their happens onie contention or debait betwixt the maiſter and the merchands, that they ſall underly the juriſdiction and ordinance of the Burgh, quhairto the ſchip is frauchted, without ony exception. And that na merchandis gudes be reiven nor ſpilt with unreaſonable ſtolling, as with ſpakes: nor that na gudes be ſchorne, nor ſtricken up in na wiſe into the maſters default, nor his ſervands: under the paine of tinſel of the ſaid fraucht, and amending of the skaith of the Merchandes. And that the maiſter fure na gudes upon his over-loft: The quhilk and he do, thay gudes ſall pay na fraught, nar na gudes under the over-loft to ſcat nor lot with thay gudes, in caſe thay be caſſin. And that every ilk Schip, exceedand five laſt of gudes, ſall paye to the chaiplane of the Nation a ſack-fraucht, and within five laſt, halfe a ſack-fraucht, under the paine of five poundes to be raiſed to our Soveraine Lorde the Kingis uſe, of ilk perſon doing in the contrarie hereof. And that na drink-ſilver be tane be the maiſter nor his doers, under the paine above written: And home-ward a Tun fraucht, to the Kirk wark of thetowne, that they are frauchted to.

15. *That na ſchipe ſaill with Staple gudes, fra* Simons *day and* Iudis, *quhill* Candelmes.

ITEM, It is ſtatute and ordained, that in time to cum there be na Schip frauchted out of the Realme with ony Staple gudes, fra the feaſt of *Simons* day and *Iude*, unto the feaſt of the Purification of our LADY, called *Candel-mes*, under the paine of five pounds of the the uſuall money of *Scotland*, to be rayſed to our Soveraine Lordis uſe, of ilk perſon frauchting ony Schip in the contrair hereof.

16. *That na Merchandes ſall paſſe to* Bruges *as Staple.*

ITEM, It is ſtatute and ordained, that nane of our Soveraine Lordes lieges ſall fra the feaſt of S. *Peter*, called *ad vincula*, fure ony ſchips in merchandice, or gudes to the *Swyn*, the *Sluiſe*, the *Dam*, or

Bruges, under the paine of tinsel of all their gudes, & banishing of their persones out of the Realme. And that all persones now havand gudes in the townes of *Bruges*, the *Dam*, or the *Sluise*, remoove and devoyde themselfe and their gudes off the saidis places before the said feast of S. *Peter*. And fra thine furth that they nouther bye nor sell, nor make merchandice in ony of the places before written, under the paine foresaid.

17. *That Merchandes saill to the* Rochel, Burdeaux, *and* France.

ITEM, It is statute and ordained in the said Parliament, that it sall be leifful to all Merchandes in this Realme to saill to the *Rochel*, *Burdeaux*, *France*, and *Normandy*, with sik merchandice as is convenient therefore, siklike as they did of before. And all staple gudes to remaine in staple, and pas to na mercattes. And this to be obserued and keiped, under the paines foresaid.

FINIS.

THE THRID PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the twelfth daie of October, the zeire of God, ane thousand, foure hundreth, sextie seven zeires.*

18. *The Proclamation of money higher up.*

ITEM, Our Soveraine Lord the King and his three Estaites in this present Parliament, findis his Hienes and the haill body of the Realme, greatumly hurt and skaithed in the money of this Realme, havand lawer course, then uther Realmes hes about us, throwe the quhilk the Cuinzie of this Realme is borne out in great quantitie: For the quhilk our Soveraine Lorde and his three Estaites in this present Parliament, hes statute and ordained, that the money of uther Realmes: That is to say, the *Englisb* Noble, HENRY and EDWARD with the *Rose*, the *French* Crowne, the *Salute*, the *Lew*, and the *Ryder*, sall have course in this Realme of our money, to the value and equivalence of the course that they have in *Flanders*: That is to say, EDWARD with the *Rose*, to threttie twa shillinges of our money. Item the auld EDWARD to foure marks, the ounce of the samin price, as the *Rose* hes course. The HENRY Noble to twentie seven shillinges, sex pennies. The *French* Crowne to twelve shillinges, sex pennies. The *Salute* to threttine shillinges foure pennies. The *Lew* to fifteene shillinges sex pennies. The *Rydar* to twentie foure shillinges. The *Demy* to twelve shillinges. The *Lyon* with the Crowne, to twelve shillinges. Item, the auld *Englisb* groate sall passe for sexteene pennies. The *Borage* groate, as the new groate. The new groate of EDWARD for twelve pennies. The Spurred groate, as the auld *Englisb* groate for sexteene pennies. The *Englisb* penny, three pennies. And the new *Englisb* penny richtswa. The groate of the crowne sall have course for fourteene pennies. Item, the halfe groate seven pennies. The groat of the *Flour-deluce*, aucht pennies. And the quhite *Scottis* penny and halfe penny to have course, as they were woont to have. And the stricking of the black pennies to be ceased, that there be nane stricken in time to cum, under the paine of death. And that strait inquisition be taken be all Schireffes and Baillies of Burrowes, gif ony sik stryking be maid, and the strikers to be brocht to the King and punished, as is before written, and the bringers of sik persones to be weill rewarded therefore, as effeiris.

19. *The maner of debtes and contractes paying.*

ITEM, Because our Soveraine Lorde and his three Estaites, consildders and understandis, that his Hienesse and the haill Realme in ilk estate is greatly hurt and skaithed in the changing and hieing of the cours of the money, as is before written, baith in debts paying, and contracts, by-gane annualles, wed-settes, and landes set for lang termes, customes, and procuracies of Prelates, and all uther debtes lesse, then they were provided

provided in this preſent Parliament, be our Soveraine Lorde and his three Eſtaites, that baith the creditour and the debitour, the byer and ſeller, the borrower and the lender, the Lord and the tennent, Spirituall & Temporal, be obſerved to the deſire of the intentes of them, that were in the time of the making of their contracts, and payment to be maid in the ſamin ſubſtance, that was intended the time of the making of the contractes, maid before this preſent Parliament: Swa that quhat variation be maid in the Parliamente of alteration of the money for the commoun gud of the Realme, the ſamin ſubſtance and value redound to the receiver, like as he ſuld have had the time of the making of this acte. Therefore our Soveraine Lord, and the three Eſtaites, ſtatutes and ordainis, that all debtoures, that awe ony debtes of contracts maid of before, pay to their creditoures of the ſamin ſummes in ſubſtance, as it was intended betwixt them, before the making of this act, in ſik like manner as it zeid immediatly before this act. And proportionally in poundes, ſchillinges, of the reckoning, that it ſall be in time cumming, to raiſe the money, like as it zeid of before. And in like manner all annual-rents, wedſettes, landes ſet for termes, cuſtomes, procuracies, and all uther debtes of contractes maid of before, to be payed in ſik like money, as zeid immediatly before this act. Item, all contracts, byinges and ſellinges in time to cum, to be maid of the money after the courſe as it ſall have in time to cum, or els as pleaſis the parties. And attour, in all Obligationes maid in times bygane with this clauſe maid, (of uſuall money of *Scotland*) that it be interpreted and underſtood to be payed in the value and ſubſtance, as the money had courſe in the time of the making of this acte, and in all manner, forme and effect, as is abone written.

20. *That Ferriers make brigges.*

ITEM, It is ſeene expedient be the Lordes, for the utilitie and profite of the Kingis Hieneſſe and his lieges, quhilk divers times paſſis over Ferries with their Horſe, for the ſafetie of the ſamin, that at all paſſages of Ferries of ilk ſide of the water, That is to ſaye, *Leith*, *Kinghorne*, the Queenis Ferry, on the uther ſide of the water, the *Portincraig* and the Eaſt ferrie to be maid brigges of buirds, or portes in ferry boates, for the eaſe of ſchipping of the ſaid horſe. And that the ſaid brigges be maid within twentie dayes nixt following the making of this acte, under the paine of tinſel and confiſcation of the boate, and not to uſe the office for a zeir and a day. And that the Kingis letters be written thereupon.

21. *Anent the lawer price of money.*

IN Preſence of our Soveraine Lord and the three Eſtaites in plaine Parliament; Ane worſhipfull Clerk, Maiſter *Archebald Quhite-law*, Deane of *Dumbar*, Secretar to our Soveraine Lord, in the name & behalfe of the haill Clergie. And in likewiſe an honourable man, *Richard* of *Kintor*, Burgeſſe of *Aberdene*, in the name and behalfe of the haill Commiſſioners of Burrowes, humbly maid requeſt and beſoucht our Soveraine Lord of his Grace, that gif it happenis of caſe, that his Hieneſſe in times to cum proclaimis his money to lawer price and les availe, then it is now proclaimed, that therefore ſubſidies & procuracies, cuſtomes and deuties, micht be taken and payed of the money to the availe and price, as they pay. The quhilk requeiſt, our Soveraine Lord in preſence of his ſaid three Eſtaites, gratiouſly and heartelie granted in all thinges foreſaid.

FINIS.

THE FOURTH PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the twelfth daie of Januar, the zeir of God, ane thouſand, foure hundreth, ſextie ſeven zeires.*

22. *The crying up of certaine money.*

ITEM, It is ſtatute and ordained, that fra thyne furth the *Scottis* groate of the Crowne, that paſt for twelve pennies of before, ſall have in time to-cum courſe amang our Soveraine Lordis Lieges for fourteene pennies: And the half groat of the ſamin for ſeven pennies. Item, the auld *Engliſh* penny ſall have courſe effeirand to the auld *Engliſh* groate: That is to ſay, for four pennies. Item, in likewiſe the new *Engliſh* penny of *Edwarde* till have courſe effeirand to the new groate of *Edwarde* for three pennies. Item, that the quhite *Scottis* penny have haill courſe in all payment, quhill the nixt Parliament, and then gif it

neidis

neidis remeid to be ſet therefore, as ſall be thoucht ſpeedefull. Item, that in time to cum there be tane in payment of black money, bot twelve pennies in the pound, and ſwa deſcendand proportionally, as the ſumme deſcendis. Item, it is ordained for the hyeing of the availe of the crowned groate, and *Engliſh* pennies to be na hurte contrair the actes maid of before anent the money, bot that act to ſtand in all force and effect, as it was firſt maid.

23. *The Chalmerlane to ſee for mettes and meaſures.*

ITEM, Anent mettes and meaſures: It is ſtatute and ordained, that the Chalmerlane and Schireffes ſall put the laſt acte maid thereupon till due execution in all places, as they will anſwere to our Soveraine Lord.

24. *Anent money till have ane univerſall courſe.*

FOR As meikle as the Lordes of the three Eſtaites, depute till adviſe upon the money, conſiders the great murmure that is paſt, becauſe of diverſities of payment within the Realme, throw the intaking of rentes be the auld payment, and giving out againe be the ſamin price: Conſidering als that the pennyworthes ar riſen with the penny, and meikle dearer then they war wont to be, that ſulde hie the money till have general courſe to the hie price, that ilk man that ſuld receive ony rentes, ſulde be skaithed to the fourth or the fifth parte of his rente, quhilk, is too heavie to them in all eſtaites, and till eſchew the greate rumour hereof, and for to content the commounes: It is ſtatute and ordained, that the money fra thine foorth have univerſall courſe throw-out the Realme. And als it is ordained, that the Actes and ſtatutes maid upon the in-bringing of Bulzieon within the Realme, and als the keiping of money within the Realme, be obſerved and keiped, under richt ſair and heavie paines, and richtſwa uther ſtatutes maid for the keiping of the ſamin, that it pas not out-with the Realme. Item, it is ordained, that unto the time it be adviſed be the wiſeſt of the Realme, and them that underſtandis them beſt therein depute thereto, and at great laſour, as effeiris, to diſpone the money, as ſall be ſeene maiſt ſpeedefull for the profite of the Realme, that in the meane time fra this foorth the *Scottis* money: That is to ſay, the *Demy*, the *Lyon*, the groate of the Crowne, and the groate of the *Floure-deluce*, and the ſmall penny, and the farding ſall have the ſamin courſe, that they had before the firſt Proclamation, maid in the Parliament, in the moneth of *October*: That is to ſay, the *Demy*, and the *Lyon*, ten ſhillinges: The groate of the Crowne, twelve pennies. The *Flour-deluce*, ſex pennies and a halfe penny. And for the money of uther Realms, to draw it within the Realme, they ordained it to have courſe: The *Engliſh* Noble of the *Roſe*, and the auld *Edwarde*, keipand pace, for twentie aucht ſhillinges. The Noble of *Henry*, twentie four ſhillinges. The *Lew*, fourteene ſhillinges. The *French* Crowne, elleven ſhillinges. The *Salute* and the *Rydar* till have courſe, as they zeid of before. And the auld *Engliſh* groat threttene pennies. And the new *Engliſh* groate elleven pennies. The *Engliſh* penny three pennies. The ſpurred groate threttene pennies. And the *Scottis* pennies till have courſe as they had of before. And of the fardinges to take twa ſhillinges in the pund. And attour it is ordained, that gif ony man hes maid ony Obligations or contractes, ſen the laſte Parliament, or lent or boucht, or ſauld, ſen the ſaid time, they ſall paye with ſiklike money and ſiklike value, as it had courſe in the time, quhen they maid their contract, borrowed, or lent, bocht or ſauld. And this priviledge till indure to them, quhill the feaſt of *Lamb-mes* nixt to cum, and na langer for their payment, and to outred their ſelfe.

25. *Nolt, Scheepe and cattle ſuld not be ſauld furth of the Realme.*

ITEM, It is ſtatute and ordained, that na Kye nor Oxen, ſcheepe nor uther cattel be ſauld out of the Realme, be nane of the Kingis Lieges, under the paine of eſcheit. And the Wardane ſall have na power to give licence in the contrarie hereof.

FINIS.

THE

THE FIFTH PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the twentie daie of November, the zeir of God, ane thouſand, foure hundreth, ſextie nine zeires.*

26. *Anent the freedome of halie Kirke.*

ITEM, In the firſt, it is ſtatute and ordained, that the freedome of halie Kirk be obſerved and keiped in all immunitie, priviledge and freedome, in likewiſe, as it hes bene in times of maiſt Noble Princes; Predeceſſoures and Progenitoures to our Soveraine Lorde of haill minde, quhome God aſſoilzie.

27. *The Judge Ordinar being partial, or refuſand to do Juſtice, ſall ſatisfie the party, and pay an unlaw to the King.*

ITEM, As to the article of Schireffes and uther judges Ordinar, quhilkis will not execute their office, and miniſter Juſtice to the puir people: It is ſtatute and ordained, that the partie compleinzeand in ony parte of the Realme, ſall firſt cum till his Judge ordinar of Temporal landes, as Juſtices, Schireffes, Stewartes, Baillie, or Barronne, Proveſt or Baillies of Burrowes, and make his complaint, and aske at him adminiſtration of Juſtice. And gif he gettis juſtice dewlie execute and miniſtrate to him, he mon remaine content. And gif the judge Ordinar failzies him, and will not miniſter him juſtice, he ſall cum to the King and his Councel, and take letters of ſummoundes, and ſummound the partie. And in likewiſe his judge Ordinar, quhat ever he be of Temporal landes. And gif the judge be foundin culpable, and wauld not miniſter juſtice, he ſall be puniſhed and put fra his office for a certaine time, after the diſcretion of our Soveraine Lorde and his Councell, and pay the expenſes of the partie compleinzeand: And our Soveraine Lord, ſall gar miniſter juſtice to the partie compleinzeand in that caſe. And gif the Judge Ordinar miniſter him partial juſtice, and dois him wrang in the adminiſtration of Juſtice: In likewiſe the partie compleinzieand ſall ſummounde him before the King and his Councell. And gif before them he be founden culpable or partial in the adminiſtration of Juſtice, be he a Schireffe, Baillie, or uther Officiar of fee, he ſall be put fra his Office for three zeires. And gif he be ane Schireffe or ony uther Judge Ordinar for a time, he ſall be put perpetually fra his Office, and pay the expenſes of the partie, and his perſon to be puniſhed at the Kingis will. And in likewiſe the Officiar of fee. And gif the partie compleinzieand upon the Ordinar Judge, be founden be the King and his Councell in the wrang, he ſall pay the expenſes of the ſaide Judge Ordinar for his vexation, and his perſon puniſhed at the Kingis will in likewiſe. And gif ony partie hes ony proper action againſt the Schireffe, or ony Judge Ordinar, it ſall be lauchfull to him to cum to the King, and outher ſummound his partie before the King, or make an other officiar in that part, to miniſter Juſtice to him. And that ilk Judge Ordinar, Schireffe, or ony utheris, ſall be halden to anſwere for their deputes, as themſelfe. Nevertheleſſe, it ſall be lauchfull to the Kingis Hienes to take deciſion of ony matter that cummis before him, at his empleaſance, like as it was woont to be of before.

28. *Landes may be redeemed be the firſt ſeller, fra the firſt byer, or ony uther poſſeſſour.*

ITEM, As touching new inventiones and ſelling of landes be Charter and ſaiſing, and taking againe of reverſiones, and it happen the byer to ſell the ſamin land againe to ane uther perſon: It is now ſeene expedient in this preſent Parliament, and according to law and conſcience, that the firſt ſeller have recourſe to the ſamin landes, ſauld be him under reverſion, to quhatſumever handes the ſaids landes cummis, payand the money, and ſchawand the reverſion, and have ſik priviledge and freedome againſt the perſones, that haldis the ſaid landes, as he ſuld have againſt the principal firſt byer. And becauſe ſik reverſiones may of eaſe be tint: Our Soveraine Lord ſall make the ſaid reverſiones be regiſtred in his regiſter, gif it be required, on their expenſes: That is to ſay, of ilk ane, ane halfe marke, the quhilk regiſtred, ſall have the ſamin force, as the principal reverſion were ſchawed for the time.

29. *Of Obligations to be followed within fourtie zeir, or elſe preſcrive.*

ITEM, As anent Obligations, that ſall be followed in time cumming, except them, that ar dependand in the Law, before the making of this act: It is adviſed, that the partie to quhome the Obligation is maid, that hes intereſt therein, ſall follow the ſaid obligation, within the ſpace of fourty zeires, and take document thereupon. And gif he dois not, it ſall be preſcrived, and be of nane availe, the ſaid fourty zieres beand runnin, and unperſewed be the partie.

30. *Officiares within burghs ſuld nocht be continued: The auld Counſel ſuld chuſe the new: They twa chooſis the officiares.*

ITEM, touching the election of Officiares in Burrowes, as Aldermen, Baillies, and uther officiares, becauſe of great contention zeirly for the chuſing of the ſamin, throw multitude and clamour of commones, ſimple perſones: It is thought expedient, that na Officiares nor councel be continued after the Kingis Lawes of burrowes, further then ane zier. And that the chuſing of new Officiares, be in this wiſe: That is to ſay, the auld councel of the toune ſall chuſe the new councel, in ſik number, as accordis to the towne. And the new councel and the auld in the zier foreſaid, ſall chuſe all Officiares perteining to the towne: As Alderman, Baillies, Deane of *Gild*, and uther officiares. And that ilk Craft ſall chuſe a perſon of the ſamin craft, that ſal have voit in the ſaid election of Officiares, for the time, in likewiſe zeir by zeir. And attour it is thought expedient, that na Captaine, nor Conſtable of the Kingis Caſtelles, quhat towne that ever they be in, ſall beare office within the ſaid towne, as to be Alderman, Baillie, Deane of *Gild*, Theſaurar, nor nane uther officiar that may be choſen be the toun, fra the time of the nixt chuſing foorth.

31. *Notares ſuld be maid be the King, and not be the Emperour.*

ITEM, It is thought expedient, that ſen our Soveraine Lorde hes full juriſdiction, and free empire within his Realme, that his hieneneſſe may make Notares and Tabelliones, quhais inſtrumentes ſall have full faith in all cauſes and contractes civil within the Realme: And in time to cum, that na Notar be maid, nor to be maid be the Emperours authoritie, have faith in contractes civil within the Realme, leſſe then he be examined be the Ordinar, and apprieved be the Kingis hieneſſe. And that full faith be given to the Papal Notares in times by-gane and to cum, in all their inſtrumentes. And als that full faith be given to all inſtrumentes given of before be the imperial Notares, like as they are of availe. And attour, thar the Notares that beis maid be our Soveraine Lorde, be examined before their Ordinares, Biſhopes, and have certification of them, that they are of faith, gud fame, ſcience and lawtie, according for the ſaide office.

32. *That woollen claith be met be the Rig.*

ITEM, to eſchew deceipt and skaith of our Soveraine Lordis lieges dailie, and at all times ſuſteined, throw the metting of woollen claith be the ſelvedge: It is thoucht expedient, that in time cumming, all woollen claith be met be the rig, and not be the ſelvedge.

33. *The indorſation of the Kingis letters ſuld be ſtamped.*

ITEM, As touching the indorſing of the Kingis brieves and letters, that full faith may be given thereto: It is ſeene expedient in this preſent Parliament, that Schireffes, Baillies, or ony uther officiares, outher of fee, or in that part, that executs the Kings brieves or letters, ſet their ſeals or ſignets to them before witneſſe, & procure gif they have nane, till all execution and indorſing of the ſaide brieves and letters: Swa that faith may be given thereto, and utherwaies their indorſing till have na faith.

34. *That the extorſiones of the Kingis Lieges be not tane in Faires.*

ITEM, Becauſe there is abuſion foundin in the keiping of Faires, Parliament times, and Generall Councelles: That the great Conſtables of Caſtelles, Schireffes or Baillies of Burrowes, take greate extorſiones of the Kingis pure Lieges, quhilkis they call their fees, that is not aucht to them: Like as of ilk laid of fleſh, fiſh, victualles, meill or malt, or ſiklike burdinges, as foules on mennis backs, and uther things borne in mennis handes, to the quhilk they have no reaſon: It is ſeene expedient and ſtatute in this preſent Parliament, that all ſik thinges be fore-borne in the time to cum, and na ſik extorſiones to be taken of the Kingis Lieges, under the paine of puniſhing of their perſones, at the Kingis will, and to be put fra the execution of their office for ane zeir.

35. *That poynding on* Martine-mes *and* Whit-ſunday *be delayed to the thrid day. Faires on Haly-daies ar forbidden.*

ITEM, Becauſe of keiping of Haly-daies and divine ſervice, quhilks ar greatly broken, and namely, in the poynding for mailles and annualles, in-caſting and out-caſting of tennentes, quhilkis cauſes greate diſſention, and cauſes oft times great gaddering and diſcord upon ſolemne daies of *Whit-ſundaie* and *Martine-*

Martine-mes: For the eſchewing of the quhilk, it is thought expedient in this preſent Parliament, that the ſaid poynding for mailles and annualles, in-caſting and outcaſting of tennentes, be deferred to the thrid day after *Whit-ſunday* and *Martine-mes*, without prejudice of ony perſones, and in likewiſe there be na Faires halden on hally dayes, bot on the morne after.

36. *Of ſlauchter of fore-thought-fellony and ſuddantie, and fleeing to Girth.*

ITEM, Becauſe of the eſchewing of great ſlauchter, quhilk hes bene richt commoun amangſt the Kings Lieges nowe of late, baith of fore-thought-fellonie and of ſuddantie: And becauſe monie perſones committis ſlauchter upon fore-thought-fellonie, in traiſte they ſall be defended throwe the immunitie of halie Kirk and Girth, and paſſis & remainis in Sanctuaries: It is thoucht expedient in this preſent Parliament, for the ſtanching of the ſaide ſlauchters in time cumming, quhair ever ſlauchter is committed on fore-thought-fellony, and the committer of the ſaid ſlauchter paſſis and puttis him in Girth for the ſafetie of his perſon: The Schireffe ſall cum to the Ordinar in places, quhair he is, under his juriſdiction, and in places exempt to the Lordes maiſters of the Girth, and let them wit, that ſik a man hes committed ſik a crime on fore-thought-fellony: *Tanquam inſidiator & per induſtriam.* For the quhilk the lawe grantis not, nor leavis not ſik perſones to joyis the immunitie of the Kirk. And the Shireffe ſall require the Ordinar to let a knawledge be taken be ane aſſiſe on fifteene daies, quhidder it be fore-thought-fellonie or not. And if it be founden fore-thought-fellonie, to be puniſhed after the Kingis lawes, and if it be founden ſuddantie, to be reſtored againe to the freedome and immunitie of haly Kirk and Girth. And thereupon to ſet gude ſovertie to the Ordinar. And that ſoveritie beand foundin, the ſaid Ordinar, and the maiſter of the Girth ſall ſuffer the perſones to be had to the ſaid knawledge. And that the Schirreffe ſall put to execution the actes of King JAMES the firſt, maid upon ſlauchter and fugitoures fra the Law: quhilkis bearis in effect, that quhat time ony Schireffe be certified of ony ſlauchter, outher by the partie or ony uther way, hee ſall incontinent raiſe the Kingis horne, and his lieges within the boundes of his office, and paſſe and ſeek that perſone, and do juſtice on him, after the forme of the Lawes of the Realme. And gif he be fugitive, and eſcapis out of the Schireffdome, he ſall ſend ane officiar to the Schireffe, in quhais Schireffedome he enters in, and denunce and ſignifie to him, that ſik a man hes done ſik a treſpaſſe, and fellony againſt the King, within the boundes of his ſchire, and hes eſcaiped out of the ſamin, and cummin within the boundes of his office, charging him in the Kingis name, and be vertue of this acte, to raiſe the Kingis lieges and his horne in likewiſe, to perſew that treſpaſſour, quhill he be overtane, or put him out of the Schire, and in likewiſe ſend his officiar to the nixt Schireffe, in quhais Schire the ſaid treſpaſſour enters in, to perſew him, quhill he be overtaine, or els put off the Realme. And attour, ilk *S*chireffe of the *S*chire, quhair the ſaid fugitour is ſought, and nocht overtane, ſall paſſe to thehead burgh of the ſaid *S*chire, and proclaime of the Kingis name and behalfe, that ſik a man hes committed ſik a ſlauchter and fellony, and is fugitive fra the Law, and charge all the Kingis Lieges, that na man take on hande to houſe, herbery, receipt, nor helpe the ſaid treſpaſſours be onie manner of way, under the paine of tinſel of life and gudes. And that the Kingis dittay be taken hereupon in his Juſtice aire, and to be puniſhed, as is abone written.

And gif ony Schireffe be foundin culpable hereupon in the execution of his office, the ſaid Schireffe ſall be puniſhed at the Kingis will, and be removed fra his office for three zeires. And gif the Schireffe be founden diligent in the execution of his office, or ony uther perſon, that labouris for the taking of the ſaid treſpaſſoures, ſall be rewarded and thanked therefore be the King, as effeiris.

37. *That the puir tennentes ſall pay na farther, then their termes maill for their Lordis debt, be the briefe of diſtreſſe.*

ITEM, Till eſchewe the great heirſchip and deſtruction of the Kingis commons, maillers, and inhabitantes of Lordis lands, throw the force of the brief of diſtreſſe, That quhair ony ſummes are obteined be vertue of the ſaide briefe upon the Lord, awner of the grounde, that the gudes and cattel of the puir men inhabitantes of the ground are taken and diſtrenzied for the Lordes debtes, quhair the mailles extendis not to the availe of the debt: It is adviſed and ordained in this preſent Parliament, that fra hyne-furth the puir tennentes ſall not be diſtreinzied for the Lords debtes, further then his termes mailles extendis to. And gif the ſumme obteined be the briefe of diſtreſſe exceedis the termes maill, the Officer ſall at the inſtance of the partie, that obteinis the debt, gang to ony uther proper gudes of the debtour, and pay the remanent of his debt, if he hes ſameikle within the ſchire. And gif he hes not ſameikil lands or gudes within the ſchire, the creditour ſall cum to the King, and bring certification of the ſaid Schireffe, howe meikil he wantes of the ſumme recovered be the brief of diſtreſſe, and may not get his proper gudes within the ſchire. And then the King ſall gif his letters to ony uther Schireffes, quhair the debtour hes ony uther gudes or mailes within the Realme, and gar them be priſed, and pay the ſaid creditour within fifteene dayes after the forme of the Law. And quhair the debtour hes na movable gudes, but his landes, the Schireffe, before quhom the ſaid ſumme is recovered be the brief of diſtreſſe, ſall gar ſell the land to the availe of the debt, and pay the creditour: Swa that the inhabitantes of the ſaides landes be not hurt, nor grieved for their Lordis debtes. Nevertheleſſe, it ſall be leiſfull to the perſon that aucht the lande, firſt to redeeme and quite out the ſamin againe within ſeven zieiris, payand to the byer the money that it was ſauld for, and the

expenſes maid on the Over-lorde for Charter, ſaiſing and infeſtment. And the ſaide redemption and lowſing to be maid within ſeven zeires, as ſaid is, or not. And gif the creditour takis the termes maill be vertue of the brief of diſtreſſe, it ſall not be leifful to the Lord to tak it againe. And gif there cannot be foundin a byer to the ſaids lands, the Schireffe of that Schire or ony uther, quhair he hes land, ſall cheeſe of the beſt and worthieſt of the Schire, and leaſt ſuſpect to ony of the parties, to the number of threttene perſons, and appriſe the ſaid landes, and aſſigne to his creditour to the availl of the ſaid ſumme, within ſex moneths after the ſaid ſumme be recovered before the Schireffe. And als the Over-lord ſall receive the creditour or ony uther byer, tennent till him, payand to the Over-lord a zeires maill, as the land is ſet for the time. And failzieing thereof, that he take the ſaid land till himſelfe, and under-gang the debtes.

38. *Of fiſh, Salmond, girſilles, trowtes, and nettes in waters.*

ITEM, For the multiplication of fiſh, Salmond, Girſilles and Trowtes, quhilk ar deſtroyed be cowpes, narrow maſſes, nettes, prynes ſet in rivers, that hes courſe to the Sea, or ſet within the flude marke of the Sea: It is adviſed in this preſent Parliament, thar all ſik cowpes and prynes be deſtroyed and put away for three zeires. And quha ſa haldis them up, ſall be indited, and puniſhed be the Kingis Juſtice in his Juſtice aire, as deſtroyers of redde fiſh, after the tenour of the act of ſlauchter of redde fiſh laſt maid of before. And in likewiſe all millares, that ſlayis Smoltes with creilles, or ony uther maner of way, ſall be puniſhed be the Kinges Lawes, after the tenour of the ſaid acte, maid upon the ſlauchter of redde fiſh. And that ilk Schireffe within his Schire ſall deſtroy and caſt downe the ſaid inſtrumentes, cowpes, prynes, & narrow maſſes, nettes, creilles, or ony uther ſiklike.

39. *The Parliament, Juſtice aires, nor Chalmerlane aires, needis not be continued fra daie to daie.*

ITEM, It is ſeene ſpeedefull, that the court of Parliament, Juſtice aire, nor Chalmerlane aire, nor ſiklike courtes, that hes continuation, needis not to be continued fra day to day, bot that they be of ſik ſtrength, force and effect, as they had bene continued fra day to day, unto the time that they be diſſolved: The Parliament be the King: The Juſtice aire be the Juſtice: The Chalmerlane aire be the Chalmerlane, and utheris ſiklike Courtes. And that nane exception proponed be ony perſones be admitted in the contrarie.

40. *That the Kingis Rolles and Regiſter be put in buikes.*

ITEM, It is thocht expedient, that the Kingis Rolles and Regiſter be put in buikes, and have ſik ſtrength as the Rolles had of before.

41. *That na* Deniers *of* France, Cortes *nor* Mailzies *be tane, nor brocht hame.*

ITEM, It is ſtatute and ordained, that there be na *Deniers* of *France*, *Mailzies*, *Cortes*, *Mites*, nor nane uther counterfaictes of black money, be tane in payment in this Realme, bot our Soveraine Lords awin black money, ſtricken and prented be his Cuinzioures, under the paine of death. And that na maner of perſon bring into this Realme ony ſtrang black money of uther Realmes or counterfit the Kings money under the paine of death, as ſaid is. And attour in time cumming, that na man take in payment, nor offer in payment ony black money, bot of our Soveraine Lordis awin cuinzie. For quha that they be founden with, ſall be debtour for them.

FINIS.

THE

THE SEXT PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the ſext daie of Maij, the zeire of God, ane thouſand, foure hundreth, ſeventie ane zeires.*

42. *Anent brieves pleidable.*

ITEM, It is ſtatute and ordained, be the Lords, having the haill power of the three Eſtaites committed to them, and the bodie of the Realme and Parliament, that in time to cum, quhair onie brieves pleidable happenis to be followed before quhatſumever judge, and there be exceptions, ane or maa proponed, and thereupon borrowes and recounters foundin, and doome given falſed, and againe ſaide be outher of the parties, and thereafter diſcuſſed in the Parliament: Gif it happenis the doome to be diſcuſſed & determined for the partie follower, then ſall the parties baith paſſe againe to the nixt Juſtice aire, and the ſamin brieſe and proceſſe maid of before ſall be redde againe, and the partie follower make his claime, and the partie defendand ſall have freedome and priviledge to take ane or maa uther exceptiones, dilatoures or peremptoures, as they follow in ordour, nixt after the firſt exceptions proponed, that the doome was falſed upon of before. Bot it ſall not be leiffull to them to take ony exceptions, that they pretermitted and let paſſe by at that time, bot they ſall paſſe ordourly forward fra exception to exception, how oft that ever the doome be falſed, unto the time that the brieve be brocht to the recognition of ane aſſiſe, gif it pleaſis the partie to mak perſute theirto. And the ſaid ordour and forme conteined in this acte abone written, to be obſerved and keeped in all pointes in the proceeding of the brieve of mortancеſtry, purchaſſed be *Andrew Biſſet*, againſt the Laird of *Ardros*, and now dependand in the Juſtice aire of *Cowper*.

43. *The man-ſlayer ſuld not be relaxed, except he finde caution. Negligent Schireffes.*

ITEM, Anent the ſtanching of ſlauchter, quhilk is ſa common in the cuntrie, baith in Sanctuarie places, & uthers, the Lordes thinkis expedient, that the acte of the laſt Parliament maid thereupon be keiped, with this addition, that quhair ony ſlauchter is committed, and the partie committand the ſlauchter be put to the horne of partie, and ſyne thereafter cum, and binde them to the Lawe, the Schireffe ſall not receive him to the Law, nor gif him dilatoures of fourtie dayes, without he bring with him ſufficient burrowes, that he ſall compeir peremptourly the ſaid day, to underlie the law. And failzieng theirof, that the committer of the ſaid ſlauchter be put to the Kingis horne, at the ſaide day peremptour, and all his gudes eſcheit to the King, and his burrowes to pay twentie pound to the King for the unlaw. And fra hyne furth to be demained be the Schireffes, as is conteined in the actes maid of before in the laſt Parliament. And to have knawledge quhat Schireffes hes bene negligent in the execution of the ſaid act maid upon ſlauchter ſen the laſt Parliament. And that now there be limited a day to the Schireffes at the empleaſance of our Soveraine Lorde, quhair the Schireffe ſall compeir, and abide his accuſation thereupon. And quha that beis foundin culpable, to be puniſhed after the tenour of the acte of Parliament. And in the meane time that there paſſe letters of the Kingis in all Schires, to be proclaimed at the head Burrowes, that quhair ony parties compleinzies upon ſlauchter ſen the ſaide time, that they cum to the King the ſaide day with their plaintes, and the King ſall miniſter them juſtice without favoures.

44. *That na Clerkes purches benefices, or office of Collectarie at the courts of* Rome, *the quhilk was not thereat befoir.*

ITEM, As to the Article of the great damnage and ſkaith daylie done to all the Realme be Clerkes, religious and ſeculares, quhilks purchaſſis, Abbacies, and uther benefices at the court of *Rome*, quhilks were never theirat befoir, and purchaſſis, be meanes, office of Collectorie, and takis upon them to raiſe heavie and great taxations of Prelates and Clerkes, and makis information of the availe of the benefices in the court of *Rome*, mair nor the uſe and cuſtome was of befoir, or that ever was done in ony Kingis time bygane, and to provide for the making of unions of benefices perteining to Abbacies, and uther annexed and unite to Biſchopricks,

ricks, and uthers in heirſchip and deſtruction of religious places, and againſt the commoun gude of the Realme: Therefore the Lordes thinkis expedient, that conſidering the ineſtimable damnage and skaith in the having of innumerable riches out of the Realme there-throwe, that ſik abbacies, and uther benefices, purchaſed be ſeculare or religious perſones, quhilkis were never at the courte of *Rome* of before, be of nane availe, but that the ſaidis places have free election of the ſamin. And that nane of our Soveraine Lordis lieges, Spiritual nor Temporal, take upon them to be Collectours to the ſege of *Rome*, of na higher nor greater taxation of Biſhopprickes, Abbacies, Priories, Proveſtries, nor uther benefices, that awe taxation, bot as the uſe and cuſtome of auld taxation hes bene of befoir, as is conteined in the Provincialis buik, or the auld taxation of *Bagimont*. And attour, that there be na unions nor annexations maid in time to cum to Biſhopprickes, Abbacies nor Priories of ony benefice: nor that na unions, nor annexations maid now of lait, ſen our Soveraine Lorde tuik the Crowne, be of ſtrength, value nor effect, nor be ſuffered within the Realme, bot that the ſaid benefices, that were unite, be put againe to their firſt foundation, to the place, that they were at, before the time of the union. And the ſaid unions to be repute of na force, ſtrength nor effect in time cumming. And gif ony perſones of our Soveraine Lordis lieges, Spiritual or Temporal wauld attempt, or hes attempted in the contrair of theſe poyntes abone written, ſall be demained, as Traytoures to our Soveraine Lord and his Succeſſoures, and never to bruik benifice, nor uſe worſhip within the Realme. Nevertheleſſe, it ſall be lauchfull to Lordes and Batronnes to purchaſe annexationes and unions of ony benfice, that they can to purchaſe, outher their awin Patronage or uthers, to be unite to Secular Colleges founded, or to be founded.

45. *The length of ſpeares, and that Zeamen have targes.*

ITEM, It is thought expedient, that na Merchandes bring ſpeares in this Realme out of ony uther cuntry, bot gif they conteine ſex elne of length, and of a clyſt: nor that na bower within this cuntrie make na ſpeares, bot gif they conteine the ſamin length. And quha that dois the contrair, that the ſpeares be eſcheited, and the perſones puniſhed at the Kingis will. Item, that ilk zeaman that cannot deale with the bow, that he have ane gude axe, and ane targe of ledder, to reſiſt the ſchot of *England*, quhilk is na coiſt, bot the value of a hyde. And that ilk Schireffe, Stewart, Baillie, and uthers Officiares, make weapon-ſchawinges within the boundes of their office, after the tenour of the acte of Parliament, ſa that in default of the ſaid weapon-ſchawinge our Soveraine Lords Lieges be not deſtitute of harnes, quhen they have need. And that the Fute-ball and Golfe be abuſed in time cumming, and that the buttes be maid up, and ſchuting uſed, after the tenour of the acte of Parliamente maid thereupon.

46. *That nane weare ſilk within an hundreth poundes woorth of land.*

ITEM, It is ſtatute and ordained in this preſent Parliament, that conſidering the greate povertie of the Realme, the greare expenſes and coaſt maid upon the in-bringing of Silk in the Realme: That therefore na man ſall weare ſilkes in time cumming, in doublet, gowne or cloakes, except Knichtes, Minſtrelles, and Heraulde: without that the wearer of the ſamin may ſpend ane hundreth pundes woorth of land rent, under the paine of amerciament to the King of twentie pound, als oft as they ar foundin wearand ſilkes, and eſcheiting of the ſamin, to be given to the Heraulde and Minſtrelles, except the claithes that ar maid before this Parliament. And that the Schireffe of ilk Schire, Alderman, and Baillies of Burrowes, take inquiſition thereof, and ſend it to the King. And that mennis wives within ane hundreth poundes, weare na ſilkes in lyning, bot allanerly in coller and ſleeves, under the ſamin paine.

47. *Anent the money, and crying downe of the allayed groate to ſex pennies.*

ITEM, As tuitching the mater of the money, ſen the mater is greate and tuitchis the haill bodie of the Realme in great neareneſſe, and that the Lordes here preſent cannot haſtely be adviſed to take a final determination thereof: It is ſtatute and ordained, that the money have courſe as it dois now, unto the continuation of this Parliament. And the Lords that ſall have power in all uther maters for the commoun gude of the Realme, at that time to adviſe, determine and conclude upon the ſaide mater of the money, that now runnis. And in likewiſe, gif it be ſeene ſpeedeful to make innovation of ony new money, outher gold, or ſilver, the ſaidis Lordes ſall have power to adviſe and conclude thereupon. And as anentis the new allayed groate of ſeven pennies: It is ordained be our Soveraine Lord, that fra thine foorth it have courſe for ſex pennies, and the halfe groate of the ſamin for three pennies. And the cuinzie and courſe thereof to be continued, quhill the continuation of the nixt Parliament.

48. *Wilfull and ignorant errour of Aſſiſores.*

ITEM, For the eſchewing of man-ſwearing of falſe aſſiſe and inqueſts in greate hurting of our Soveraine Lordis Lieges, and ſpecially be inqueſtes in heritages: It is ſtatute and ordained, that in time cumming, quhair a partie findis him grieved be ony aſſiſe or inqueſtes be partial malice or ignorance of the aſſiſe or inqueſtes, ſaifand and exceptand the aſſiſe of brieves pleidabill, quhilk this ſtatute ſall not extend upon: It

ſall

ſall be leifful to the partie grieved to cum to our Soveraine Lorde and his Councell, and take a ſummoundes of the ſaid inqueſt, to compeir before them at certaine daie and place peremptourly, and there produce his evidences of the ignorance or falſed of the ſaid inqueſt. And gif it happenis him to proove the ſaid falſed, the partie grieved ſall be reduced to the condition, that it was in of before, or the ſaid inqueſt or aſſiſe proceeded, and the determination of the ſaid aſſiſe or inqueſt to be of nane availe, and the ſaidis perſones of the aſſiſe or inqueſtes, to be puniſhed after the forme of the Kingis Lawes, in the firſt buik of the Majeſtie, *Contra temere jurantes ſuper aſſiſam.* And gif the partie compleinzieand be foundin in the wrang, he ſall pay ane unlaw of ten pound to the King, and make all the expenſes of the partie that is ſummound.

49. *That Lordes, Barrounes, and Burrowes gar make Schippes, Buſches, and greate Pinck-boates with nettes.*

ITEM, The Lordes thinkis expedient for the commoun gude of the Realme, and the great entres of riches, to be brocht within the Realme of uther cuntries, that certaine Lordes Spirituall and Temporall, and Burrowes gar make greate Schippes, Buſches, and uther great Pinck-boates, with nettes, and all abuilzementes ganand therefore for fiſhing. And the execution of this mater and the forme, and the number of the ſamin be had, at the continuation of this Parliament.

50. *The partie that tynis his action, ſall be in an unlaw of fourtie ſhillinges.*

ITEM, It is ſtatute and ordained, that quhair ony partie followis ony action before the Lordes of Councell in time to cum, the partie that beis founden in the wrang, and the ſentence is given againſt, ſall pay ane unlaw of fourtie ſhillinges to the Lordes, to be diſponed be the Chancellar, and the expenſes of the partie that winnis the cauſe, be the modification of the Lordes.

FINIS.

THE SEVENTH

PARLIAMENT

OF

KING JAMES THE THRID,

Halden at Edinburgh, *the ninth daie of May, the zeire of God, ane thouſand, foure hundreth, ſeventie foure zeires.*

51. *Of money and bulzieon.*

ITEM, Anent the mater of money and in-bringing of bulzieon: It is ſtatute and ordained, that the actes and ſtatutes maid of before, anent the in-bringing of bulzieon ſall be obſerved and keiped: That is to ſay, of ilk Serplaith twa ounce of burnt ſilver, and of uther gudes effeirand thereto: Of the laſt of hides, foure ounce, and of the laſt of Salmond, twa ounce, and of claith and uther gudes, with this addition: That the Cuſtomers ſall, or they give the cockquet to ony ſchip, take ſovertie and Borrowes of ilk a merchand, for the hame-bringing of builzieon, as ſaid is: And ſall zeirly make compt thereof in the Checker. And gif the cuſtomers failzies in the taking of the ſaide ſovertie, they to be puniſhed therefore, and deprived of their Office for ever: And quhat merchand that failzies herein, to pay ten pounde to the King: And becauſe the mater of money is richt ſubtile and greate, and may not richt haſtely be ſet: It is thoucht ſpeedefull, that the three Eſtaites commit their power to certaine wiſe diſcreet perſones, to the number of ten, or twelve, to adviſe, and ſet the courſe of the money, and to deviſe newe money, as they thinke maiſt expedient.

52. *Of ane Tutor and his age.*

ITEM, It is ſtatute and ordained anent the brieſe of Tutorie, that it be underſtanding in time cumming, that he that is neareſt Agnat, and of twentie five zeires of age, fulfilling the lave of the poyntes of the brieſe,

briefe, ſall be lauchfull tutour, ſuppoſe the childe that happenis to be in tutorie, have ane zounger brother or ſiſter, Notwithſtanding that the agnat is not immediat to ſucceede to the childe, becauſe of zounger Brother and ſiſters.

53. *Probation of arreiſtmentes.*

ITEM, It is ſtatute and ordained, anent the prieving of arreiſtmentes be Crowners or Serjandes, on the North halfe of the water of *Forth*, that hes bene uſed of before, to be prieved be tuitching of wandes: It is ſtatute and ordained, that in time to cum, all prieves ſall be maid be Crowners and Serjandes, be witneſſe and perſones, like as is uſed and done on the South halfe of *Forth*.

54. *Anent airſhip of mooveable gudes of Barronnes.*

ITEM, Anent the airſhip of mooveable gudes, that the aires of Barronnes, Gentle-men, and Freehalders ſall have: It is ſtatute and ordained, that the ſaidis aires ſall have the beſt of ilk a thing, and after the ſtatute of the Burrow Lawes, and as is conteined in the ſamin.

55. *Preſcription of Obligations.*

ITEM, Anentis the acte maid of before of preſcription of Obligationes: It is ordained to be underſtandin in this wiſe, that all auld Obligations maid of before, that is elder then the dait of fourtie zeiris, not dependant in the Law, in the time of the making of the ſaid actes, ſall be preſcribed, and of na ſtrength: and in likewiſe in time to cum, all Obligationes maid, or to be maid, that beis not followed within fourtie zeires, ſall preſcrive, and be of nane availe.

56. *The Retour ſuld conteine the auld and new extent.*

ITEM, Anent the brieves of inqueſt to be ſerved in time to cum: It is ſtatute and ordained, that it be anſwered in the retour, quhat the land was of availe of the auld, and the very availe that it was woorth, and gives the day of the ſerving of the ſaid brieve.

57. *That foure of the auld Councell be choſen to the new.*

ITEM, It is ſtatute and ordained in Burrowes, notwithſtanding the Actes maid of before, that there ſall be of the auld Councell of the zeir before, foure worthy perſones choſen zeirly to the new Councell, at their entrie to ſit with them, for that zeir, and have power with them to doe Juſtice.

58. *The Over-Lord not entrand to the ſuperioritie, tinis the ſamin, and ſatisfies the partie.*

ITEM, It is ſtatute and ordained anent Over-lords, that in defraud and skaith of their vaſſalles and tennentes, differris to enter to their landes and ſuperiorities, that in time to cum, the ſaids Over-lords ſall enter to their lands and ſuperiorities, & do their diligence thereto, but fraud or guile within fourtie daies, after that they be required be their vaſſalles or tennentes. The quhilk gif they do not, the ſaidis vaſſalles or tennentes incontinent thereafter to be entred be the King or the Over-lorde, that the ſuperiorities ar halden of, and hald of him, and the other Over-lorde, that fraudfully differris his entrie, to tyne the tennent for his life-time, and aſſith the partie of his coaſtes and skaithes, that ſall be ſuſteined throw him, in default of his entrie.

59. *That perſones arreiſted to the Juſtice aire, enter within barre.*

ITEM, Becauſe in times by-gane, there was halden an uſe and conſuetude, that perſones indyted to the Juſtice aire, wauld cum in preſence of the Juſtice in the Tolbuith, and hald them out-with the Barre, and wauld not enter, for the payment of ane little unlaw, quhilk is great deriſion and ſcorne of Juſtice, and lichtlying of the Kingis Hieneſſe: It is therefore ſtatute and ordained, that in time cumming all perſones arreiſted, that may be apprehended the time of the Aire in the Tolbuith, or the Towne, quhair the Juſtice is, ſall be taken and delivered to the Juſtice, to be juſtified for his crime and his treſpaſſe: Swa that the arreiſtment be maid of before the time of the beginning of the aire and ſeate of Juſtice.

60. *The unlaw of ſtealing of haulkes, houndes, pertrickes and Dukes.*

ITEM, Anent the eſchewing of great trouble, diſcord, and divers inconveniences that may cum, anente the ſtealing of Haulkes and Houndes: It is ſtatute and ordained, that in time cumming, na maner of perſons take ane uther mans hounds, nor haulkes, maid or wilde, out of neſtes, nor eggcs out of neſtes, within ane uther mannis ground, but licence of the Lord, under the paine of ten poundes. And in likewiſe that na egges be tane out of the Pertrickes, nor wilde-duik-neſtes, under the paine of fourtie ſhillinges. And this to be a poynt of dittay in time to cum.

61. *Of*

61. *Of Daes and Raes, hunting of Deares, and taking of Cunninges.*

ITEM, That na man ſlaie Daes nor Raes, nor Deare in time of ſtorme, or ſnaw, or ſlaie onie of their Kiddes, quhill they be ane zeir auld, under the paine of x. punds: And it to be a point of dittay. And in likewiſe that na man hunte, ſchutte, nor ſlaie Deare nor Raes in utheris cloſes or Parkes, or take out Cunninges out of uthers Cunningaires, or ony foules of utheris Dowcattes, or fiſh out of utheris puiles or ſtanckes, but ſpecial licence of the awners, under the paine of dittay, and to be puniſhed as thieft.

62. *That Ferriers make brigges: and of fraucht.*

ITEM, It is ſtatute and ordained, that in time to-cum, the Ferriers of *Kinghorne*, ſall tak of fraucht bot twa pennies of the man or woman, and the burden; and of a horſe ſex pennies. And quhat perſones that bringis horſe or beaſtes, ſall make the perſones and the burdens free, ſa that the horſe burden aud the perſon, that ſall be, pay ſex pennies. And in likewiſe uther beaſtes ſall make the perſones free of fraucht. And at the *Queenes-ferry* ſall be taken bot ane penny of the man, alſwa the horſe twa pennies, and all in forme and maner abone written. And at the *Portin-craige* ane penny for the man, and the horſe ane penny. And quhat Ferriers, that dois in the contrarie, ſall pay fourty ſhillinges to the King, and his perſon priſoned, at the will of the King. And that the Ferriers make brigges to their boates, after the forme of the acts maid of before, under the paine conteined in the ſamin.

FINIS.

THE AUCHT PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the twentie day of November, the zeir of God, ane thouſand, four hundreth, ſeventie five zeires.*

63. *That all complaintes firſt perſewe to their Judge Ordinare.*

ITEM, As anent the adminiſtration of Juſtice in civil actions and complaintes throw all the Realme, it is ſtatute and ordained, that all parties compleinzieand, ſall firſt paſſe to their Judge Ordinare, & perſewe Juſtice. And that the Ordinares ſall miniſter them Juſtice without partial meanes or ſleuth. And gif the Judge failzies in his office and adminiſtration of Juſtice, the partie ſall cum and plenzie to the King and his Councell upon the Judge and in likewiſe on the partie. And in that caſe they ſall have ſummounds, baith on the Judge and on the partie, to compeir before the King and his Councell, and there have Juſtice and reformation, after the tenour of the act of Parliament maid of before the twentie day of November, the zeire of God, ane thouſand, foure hundreth, threeſcoir nyne zeires.

64. *Anent falſe aſſiſors in criminal cauſes. Of ane great aſſiſe.*

ITEM, As tuitching the reformation of falſe aſſiſe, paſſand upon criminal actions before our Soveraine Lordis Juſtice, Schireffes, or uther Officers: It is ſtatute and ordained, conforme to the Kings Lawes, *De pœna temere jurantium ſuper aſſiſam.* That quhair indited perſons are ſchawin before the aſſiſe, in the accuſation of a treſpaſſour, notour, or manifeſt knawledge beand of the treſpaſſour, & it happin the perſons that paſſis on the aſſiſe, wilfully be favours or partial meanes, to acquite the treſpaſſour, or treſpaſſoures, in that caſe it ſall be leiffull to the King and his Councell to call the aſſiſe, and inquire at them, gif they concord all in a voyce, or how mony ſaid all in a voyce, and how mony ſaid ane uther way. And they that ar ſuſpect *De temerario juramento*, ſall be accuſed before the King & his Juſtice, quhat day & place, that it pleaſis his Hieneſſe. And gif thay perſones pleaſis to graunt their fault and *temerarium perjurium*, to be puniſhed therefore, after the forme of the aulde lawe. And gif they deny or makis excuſation thereof be

ignorance,

ignorance, the King or his Councell ſall give them ane great aſſiſe of xxv. Noble perſones, and ſchaw to that aſſiſe the evidents or notour knawledge of the treſpaſſe, in ſa far as was ſchawen to the firſt aſſiſe. And thereafter gif it beis foundin that the firſt aſſiſe acquit the treſpaſſours be temeraritie, or wilfully be favoures or partialitie: Sa mony as beis convict of that cryme, to be punished after the forme of the auld lawes, conteined in the buik of *Regiam Majeſtatem*. Nevertheleſſe the perſones that happenis to be accuſed of the treſpaſſe, outher to be convict, or maid quite, after the forme of the firſt deliverance, and the falſe aſſiſe to be puniſhed, as ſaid is.

65. *Anent the in-bringing of bulzieon.*

ITEM, As anent the money, becauſe the Lordes underſtandis, that the pretermitting and ſleuth that hes bene in the execution of the actes maid for the in-bringing of bulzieon in the Realme, and als the ſearching and keiping of the money fra paſſing furth of the Realme, hes cauſed the great ſcantneſſe of it, that is now of the money throw all the Land: That therefore our Soveraine Lord, ſall zit cauſe the actes and ſtatutes maid of before, baith in the in-bringing of bulzieon, and keiping of the money, be ſcharpely put to execution. And that the breakers thereof be puniſhed, after the forme of the actes maid thereupon of before. And that the King now depute true and abill perſones to be ſearchoures in time to cum, that will and may do diligence for the halding in of the money, as is ſtatute of before. And that the merchandes ſall have for ilk ounce of brunt ſilver, that he bringis hame to the cuinziers, twelve ſhillinges, and the cunzieour of that burnt ſilver, to make twelve groates of the ounce of the ſamin prent, that the new groate is now. And of the new finance of the new *Engliſh* groate. And that there be ane penny and ane half-penny of ſilver maid of the ſamin finance, according to the new groate, and that penny to have courſe for three pennies.

66. *That nouther ſilver nor gold be put to the fyre.*

ITEM, Becauſe it is weill knawen, that all cunzied money, baith ſilver and gold put to the fire to be maid bulzieon to uther new money, is miniſhed, waſted, and deſtroyed in the tranſlation be the fyre, incurris great ſkaith in hurt of the King and all his Lieges, and ſuld not be ſuffered in time to cum: It is therefore ſtatute and ordained, that fra hine foorth, nouther ſilver nor gold that bearis prent and forme of cuinzie, that it be in any wiſe molten or put to the fire be the Kingis cunzioures, or be Gold-ſmithes to ony warke, without ſpecial licence or charge of the King: bot all gold and ſilver that is cunzied and hes prent, be obſerved and halden haill to pas amangſt the Kingis lieges, as he ordained it to have cours.

67. *Anent the brieve of Idiotrie and furioſitie.*

ITEM, It is ſtatute and ordained, that ſen there is a brieve of our Soveraine Lordis Chapel maid and ordained for the ſafetie of alienation of Lordes and Barronnes landes, throw idiotes and natural fules, furious and wood-men the time of their folly, the quhilkis brieves ſavis not the alienation, bot allanerly fra the time of the ſerving of the ſaidis brieves, and remeids it not, that is done of before, in-caſe it be done in the time of the folly or furioſitie, albiet he be als great a fule and furious before, as after: It is ſtatute and ordained therefore in time to cum, the ſaid brieve be reformed, and an clauſe put therein, to inquire of the folly and furioſitie, and how lang time he was of thay conditions. And fra it be knawin be the inqueſt, that the perſones be fules or furious, the time thereof, the alienation maid be him, after the time that the inqueſt findis that he was outher fule or furious, ſall be of nane availe, bot retreated, and brocht againe till him, alſwell as the alienation maid after the ſerving of the ſaid brieve.

68. *That the money and gold be cryed up higher.*

ITEM, It is ſtatute and ordained, for the great ſcantnes and want of gold that is within the Realme, throw having out of the ſamin, becauſe it ſtandis heir in a lawer price, then it dois in uther cuntries: It is ſtatute and ordained, that the gold have courſe in time to cum in this wiſe. That is to ſay, the *Roſe* Noble to xxxv. ſhillinges. The *Henry* Noble to xxxj. ſhillings. The *Angell* to xxiij. ſhillinges. The *French* Crowne to xiij. ſhillinges iiij. pennies. The *Demy* to xiij. ſhillinges, iiij. pennies. The *Scottis* Crowne to xiij. ſhillinges. The *Salute* to xv. ſhillinges ſex pennies. The *Lew* to xvij. ſhillinges ſex pennies. The *Rydar* to fifteene ſhillinges ſex pennies. And all uther gold to paſſe after the fines and weicht, and at the pleaſance of the giver and the taker. And that all ſilver money have courſe ſik-like in time to cum, as it hes this day.

69. *Of the payment of the debtour and the creditour.*

ITEM, To remove diſcord amangſt the Kingis Lieges, betuixt the Creditoures and the debtoures, that are awand ſummes: It is ſtatute and ordained, that notwithſtanding the varience of the courſe of the commoun gold and ſilver, quhat courſe that ever it have, the debtour ſall pay his creditour the debt of the money, that ſuld have been payed at the termes, before the making of this act, with ſik money, and of the ſamin price, as the money had courſe before this proclamation and Parliament.

70. *That*

70. *That na courte of* Guerra *be halden.*

ITEM, Becauſe there hes bene abuſion of Law in times by-gane be the Schireffes, Stewartes, Baillies and Officiares, in the halding of courts of *Guerra*, to the great heirſhip and skaith of our Soveraine Lords Lieges, and of his awin Hieneſſe in his awin Juſtice aires, quhilkis ar ſpilt be the ſaid *Guerra* courts: It is ſtatute and ordained, that in time to cum, there be na courtes of *Guerra* halden, be na maner of perſons, under the paine of punition, as for a man-ſlayer and riever of his gudes, and uſurper upon the Kingis Lieges and his authoritie.

FINIS.

THE NINTH PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the fourth daie of Julij, the zeire of God, ane thouſand, foure hundreth, ſeventie ſex zeires.*

71. *Of our Soveraine Lordis Revocation.*

IN The firſt of all alienations, infeftmentes and gifts given and granted be him to quhatſumever perſones that be hurt or prejudicial till his aires, or to his Crowne, of quhatſumever heritage perteining to his Hienes, in ony time to this day, and in ſpecial of gifts of landes, mailles, fiſhinges, patronages of Kirkes, giving of waird landes in blench-ferme, ſetting of landes, making of Regalities, and tailzies maid in his tender age, fra the righteous aires: Alſwa all giftes given be his Hieneſſe of keiping of Caſtelles for langer times, then in-during his will, and in ſpecial of the Caſtelles that ar the keyes of the Realme, and generally all maner of alienations, as ſaid is, or may be prejudicial till his aires, and Crowne in ony wiſe, or that is againſt ony gude conſcience.

72. *The annexation of the Erledome of* Roſſe.

ITEM, Our Soveraine Lord, with conſent of his three Eſtaites of his Realme, annexis till his Crowne the Erledome of *Roſſe*, with the pertinents, to remaine thereat for ever: Swa that it ſall not be leiffull to his Hieneſſe or his aires, nor his Succeſſoures to make alienation of the ſaide Erledome, or ony part thereof, fra his Crowne in ony wiſe: Saifand that it ſall be leiffull to him and them, to give the ſaid Erledome at their pleaſance till ane of his, or their ſecunde Sonnes, lauchfully to be gotten betuixt him and the Queene.

FINIS.

THE TENTH PARLIAMENT OF KING JAMES THE THRID,

Halden at Edinburgh, *the ſext daie of Auguſt, the zeir of God, ane thouſand, four hundreth, ſeventie ſeven zeires.*

73. *In-bringing of victualles.*

ITEM, Becauſe victualles ar richt ſcant within the cuntry, the maiſt ſupportation that this Realm hes, is be ſtrangers of divers uther nations, that brings victual: and becauſe of divers new impoſitions and arreiſtments, that hes bene put upon them at their cumming and entres, they may not have libertie & freedome to diſpone upon their awin gudes, the quhilk cauſis divers of them to forbeare to cum in this Realme, to the great and heavy skaith of all the Kingis Lieges in all Eſtaites: It is ſtatute and ordained, that all ſtrangers and merchandes cummand in the Realme with victualles and uther leiffull merchandice be honourably received, and favorably treated: and fra they have entred their gudes in the Tolbuith, as uſe and cuſtome is, that our Soveraine Lord be ſerved firſt of the beſt, and ſine the Lordes of his Councell, after the price, that ſall be maid with the merchandes, & the remanent to be ſauld amangſt the Kings Lieges. And that na trouble nor arreiſt be put upon merchandes, ſtrangers, nor their gudes, bot that they have libertie to uſe and do their leiffull merchandice, as uſe and cuſtome hes bene in times by-gane.

74. *Anent Cruves.*

ITEM, It is ſtatute and ordained, that the acte maid of before, be King *James* the Firſt, anent cruves ſet in waters, be obſerved & keiped. The quhilk beiris in effect, that all cruves ſet in waters, quhair the Sea fillis & ebbis, deſtroyis the Frye of all fiſches, be put away & deſtroyed for ever mair: notwithſtanding ony freedome or priviledge given in the contrair, under the paine of five pund of ilk cruve: And that they that hes cruves in freſh waters, that they gar keip the lawes anent *Satterdaies* ſlop, and ſuffer them not to ſtand in forbidden time, under the ſamin paine. And that ilk heck of the ſaid cruves be three inch wide, as the auld ſtatute requiris, maid be King *David*, and that the mid ſtreme be left free be the ſpace of ſex fute. And that it ſall be a poynt of dittay, baith of them that dois the contrair, or garris be done: and quha that beis convict thereof, to pay 5. pund, as ſaid is.

75. *Anent Ferriers that raiſis fraucht.*

ITEM, Anent Ferriers that raiſis fraucht upon the Kingis Lieges, and their gudes, mair then is ordained and ſtatute of before be the Parliament, to be given and tane for the man and the horſe and his burden: It is ſtatute and ordained that in time to cum, that na Ferriers take mair fraucht of man, horſe or gudes, bot ſa meikle as is ſtatute and ordained be the Parliament of before to be tane, under the paine of five pounde to be payed to our Soveraine Lord, and amendis to the partie, ſa oft as they treſpaſſe. And this to be a poynt of dittay in time to cum.

76. *The unlaw of Mure-burne.*

ITEM, Anent mure-burne, that is plainly now done in all Moneths, contrair the actes and ſtatutes maid of before, for the punition and ſtanching thereof: It is now ſtatute and ordained, that the unlaw of mure-burne ſall be in time to cum five pound, of them that beis convict before the Juſtice in the Juſtice air. And that na mure-burne be maid fra the laſt day of *March*, quhill *Michael-mes* day, under the paine foreſaid.

77. *Of the bind of Salmond.*

ITEM, Becauſe it is heavely murmured, and the Realme greatly ſlandered be ſtrangers, and uthers that byis Salmond, of the miniſhing of the veſchel and barrelles, that the Salmond is packed in: It is ſtatute and

and ordained, that in time to cum all Salmond be packed in barrelles, of the meaſure of *Hamburgh*, after the auld aſſiſe, and na ſmaller barrelles nor veſchelles. And that na Coupper within the Realme make ſmaller barrelles to pack fiſh in, then the ſaide meaſure of *Hamburgh*, and the auld aſſiſe. And gif ony dois the contrarie hereof in time to cum; The firſt ſeller that ſellis the fiſh of falſe packinges in ſik ſmall barrelles, ſall tine the fiſh, and to be our Soveraine Lordis eſcheit, and the Coupper that maid the barrelles, ſall pay five pound to the King. And that the Kingis Cuſtomers ſall be ſearchoures hereupon in ilk Towne. And als it ſall be a poynt of dittay.

78. *Of beggers and Sornares.*

ITEM, For the ſtanching of maiſterfull-beggers and ſornares, that dailie oppreſſis and herryis the Kingis Lieges: It is ſtatute and ordained, that the auld ſtatute maid of before in our Soveraine Lordis time, King JAMES the Firſt, be put to ſharp execution, but favoures: That is to ſay, quhair ever ony commoun ſornares beis over-tane in time to-cum, that they be arreiſted and delivered to the Kingis Schireffes. And that they be foorth-with brocht to the Kingis Juſtice, to do and execute the law on them, as on a commoun thiefe and riever. And that dittay be tane thereof zeirly, and puniſhed, as ſaid is, in the Juſtice aire.

79. *Of ſchoing of horſe in the quick be ſmiths.*

ITEM, Becauſe ignorant Smithes throw ignorance or drunkenneſſe ſpillis and cruickis mennis Horſe, ſchoing in the quick: It is ſtatute and ordained, that quhen ever a Smith ſchois a mannis Horſe in the quick, that Smith ſall make and pay the coaſt of the horſe, quhill he be haill, and in the meane time finde the man ane Horſe to ryde upon, and do his labour, quhill the ſaid horſe be haill. And gif the ſaid horſe cruickis throw the ſaid ſchoing, and will not haill, the Smith ſall hald the ſaid horſe himſelfe, and pay the price of the Horſe to the man that awe him.

80. *Quhat perſones hes power to hald courtes of Purpriſion.*

ANent the halding of the Court of Purpriſion upon the landes of *Rach-burne*, be *Elizabeth Niſbet*, *Alexander Chirnſide*, and *Patrick Home* their Baillie on the ane part, Againſt *Jennet Home*, the ſpouſe of *James Dowglas* on the uther part: For the alleaged wrangous, calling of the ſaid *Jennet* to the ſaid court, continued to the Parliament. The Lords Auditoures choſen be the three Eſtaites, all in ane voyce, declaris and ſtatutis: That na vaſſal nor ſub-vaſſal, nor uther tennent under the Barron, hes power or juriſdiction to hald ane court, or know on the queſtion of Purpriſion, and therefore decernis and deliveris that the ſaid court of Purpriſion, halden be the ſaids *Elizabeth*, *Alexander* and *Patrick*, is of nane availe, force, ſtrength nor effect. 23. March 1481.

FINIS.

THE ELLEVENTH PARLIAMENT OF KING JAMES THE THRID.

Halden at Edinburgh, *the ſecond day of April, the zeir of God, ane thouſand, foure hundreth, fourſcore ane zeires.*

81. *Of ſpeares and their length, and Jackes.*

ITEM, It is ſtatute and ordained, that there be na ſpeares in time to cum maid nor ſauld, that is ſchorter then five elne & a halfe, or elſe at the leaſt five elnes before the Burre, and of greatneſſe according thereto: under the paine of eſcheitting of all his gudes, that makis or ſellis them.

ITEM, It is ordained, that all perſones that ſall weare jackes for the defence of their bodie, that they garre make them ſide to the knee, they that wantis legge harnes, and they that hes leg-harnes, that their Jackes be maid ſa lang, as to cover the over part of their legge-harnes. And that everie Axe-man, that hes nouther ſpeare nor bow, ſall have ane Targe of Tree or Ledder, after the faſhion of the exemple, that ſall be ſende to ilk Schireffe.

82. *Of perſones cummand to the hoiſte.*

ITEM, It is ſtatute and ordained, that na perſones cummand to OUR SOVERAINE LORDIS Hoiſte, waiſte or deſtroy medow nor cornes, nor ſpulzie ony manner, of gudes in their cumming or ganging within the Realme of *Scottland*, under the paine of punition of their perſones as breakeres, of OUR SOVERAINE LORDIS Proclamation of his hoiſte, and refounding of the skaith that they do: And that ilk Lord and Barronne, ſall be reſponſable for the perſones, that ar under their leading, and deliver the perſones that dois skaith to the King or his Lieu-tennentes or Wardens, or elſe refound and paye the skaith that is done themſelfe.

83. *Furniſhing of Caſtelles.*

ITEM, Our Soveraine Lord hes ordained to gar purway and ſtuffe his Caſtelles of *Dumbar* and *Loohmaban* with victuales and and artailzierie, and quhair they ar failzied in ony part, to gar them be haiſtelie reparrelled and fortified. and als his hieneſſe commandis and chargis all the Lordes of his Realme, baith Spiritual and Temporal, that hes Caſtelles neire the *Bordoures* and on the Sea coaſte, ſik as *Saint-Andrewes*, *Aberdene*, *Temptallon*, *Hume*, *Douglas*, *Halis*, *Adring-towne*, and ſpecially the *Hermitage*, that is in maiſt danger, and ſik uther Caſtelles and ſtrengthes, that may be keiped and defended fra our enemies of *England*: That ilk Lord ſtuffe his awin howſe, and ſtrength them with victualles, men and artailzierie, and to amend and reparrel them quhair it miſters, ſa that they be keiped and defendid, as ſaid is.

84. *Ane woman conjunct fear makand faith that ſcho ſall never cum againſt the Alienation theirof, ſall nocht be hearde afterwardes to impugne the ſaid Alienation.*

MEMORANDUM. The ſext day of *March*, the zeir of God. 1481 zeires, *Robert Danielſtoun* was perſewed be a woman called *Glen*, before the Lordes of Councel, and ſcho wald have cummin againſt her aith, that ſcho maid in judgement before the Official of *Glaſgow*, and there was ſchawin ane Inſtrument under the ſeale of the ſaide Official, that ſcho conſented to the alienation of ſik landes, and ſwore that ſcho ſuld never cum in the contrair hereof, and wauld have the ſaidis landes, alleageand that it was her conjunct-feſtment, and maid revocation after her husbandis deceaſe, ſayand that he compelled her theirto. The action was delivered againſt this woman.

85. *That our Soveraine Lord preſent to benefices, all times, the ſege vacand.*

ITEM, It is ſtatute and ordained be the King and his three Eſtaites, anent the priviledge of the Crowne, uſed and obſerved in all times bygane, anent the preſentation of benefices, in the time of the vacation of the ſeges of Biſhoppes, that our Soveraine Lord and his Succeſſours ſall in time to cum, the time of the vacation of the ſege, have power to preſent to benefices all times, quhill the Prelate and Biſhop make his Bulles of proviſion be ſchawin to the Kingis Hieneſſe, and his Chaptour. And in caſe that our Soveraine Lord of his ſpecial Grace and favoures admit ony Prelat to his Temporalitie, before the ſchawing of his Bulles, as ſaid is: That ſik admiſſion ſall be na prejudice nor skaith to his Hieneſſe, anent the ſaid priviledge and richt of preſentation.

86. *Contrarie the purchaſers of benefices againſt the Kingis priviledge.*

ITEM, It is ſtatute and ordained, that the acte of Parliament maid of before for puniſhing of the perſones, that labouris and dois onie thing contrary to the ſaid priviledge, ſall be extended alſweill upon them, that takis Offices of procuration on them, or ſupportis, or ſupplies thay perſones with money & finance, to be puniſhed as the principal doers. And attour, gif ony perſon or perſones in time to cum raiſis or purchaſis ony commiſſion of the ſege of *Rome*, to be provided of ony benefice, that beis foundin vacand, the ſege of the Biſhoppe vacand for the time: The perſones that raiſis purchaſes, or uſis ony ſik Commiſſiones, ſall be repute and halden as breakers and violatoures of our Soveraine Lordis priviledges, and tranſgreſſoures againſt the Act of Parliament, and incur the paine conteined in the ſamin.

FINIS.

THE

THE TWELFTH PARLIAMENT OF KING JAMES THE THRID.

Halden at Edinburgh, *the Elleventh of December, the zeire of God, ane thouſand, foure hundreth, auchtie twa zeires: And of his Reigne, the twentie three zeir.*

87. *Continuation of Warden Courtes.*

IT Is ſtatute and ordained, that in all time cumming, the Warden courts be of continuation: That is to ſay, That the Wardens ſall have power to hald their courts, and end them the firſt day, or continue them as pleaſis them, for three dayes, or within.

88. *Of breakers of the Kingis or Wardens ſaiſe-conduct.*

IT is ſtatute and ordained that in time to cum, for the honour of our Soveraine Lord, that nane of his Lieges breake his ſaiſe-conduct: Nor his Wardens, within the boundes of their Offices, under the paine of death.

89. *Of bringers hame, and ſellers of corrupt wine.*

IT is ſtatute, that nane of our Soveraine Lordis Lieges in time to cum, bring corrupt or mixt wine within the Realme: And gif ony ſik happenis to be ſent hame, that na man ſell nor top it, fra it be declared be the Baillies and guſters of wine, that it is mixt or corrupt, bot ſend it againe furth of the Realme, under the paine of death: And that na perſon within this Realme, take upon hand in time to cum, to mix wine or beere, under the paine of death, as ſaid is.

FINIS.

THE THRETTEENTH PARLIAMENT OF KING JAMES THE THRID.

Halden at Edinburgh, *the XXIV. of Februar, the zeir of God, ane thouſand, foure hundreth, auchtie three zeires.*

90. *Of weapon-ſchawinges, and reddines in weir.*

IT is adviſed and thocht expedient be the three Eſtaits of the Parliament, that our Soveraine Lordis Patent Letters, under his Privie ſeale be written to all Schireffes, Baillies and Officiares within his Realme, chargeing them be open Proclamation, and utherwaies, they warne his Lieges, within the boundes of their offices, that they weill abuilzied for weir, be reddie upon aucht daies warning to cum to the King or his Lieu-tennents, quhair they ſall be charged, for the defenſe of the Realme, and reſiſting of the enemies of *England*, furniſhed with victual and expenſes, for the ſpace of twentie daies, after their cumming to the ſaid place and terme aſſigned to them. And that the ſaid Schireffe proclaime and hald weapon-ſchawinges within the boundes of their Office, to ſee that our Soveraine Lordis Lieges be bodin for weir, after the forme of the acte of Parliament, and to puniſh them that ar abſent, and not weill abuilzied, after forme of the ſaid acte

acte of Parliament. And the ſaid weapon-ſchawings to be halden, als oft as is conteined in the acte of Parliament maid thereupon. And the ſaid Schireffe and Baillies to warne the King, the day of the weapon-ſchawinges, that he may ſende a ſpecial ſervand of his awin to ſee, that his Lieges be weill bodin, and that the ſaid Schireffes do their office, as effeiris therein. And quhat Schireffes or Officiares beis foundin negligent or ſleuthfull in the execution of their offices, to be puniſhed after the forme of the ſaid Acte. And that the Schireffe put in Roll and bill, how mony ſpeares, bowes, and axes, and ſenſible perſones he findis within the ſaid Schire, and bring the names of them to the aſſemblie of the Kingis hoiſt, under his ſeale, and uther foure ſeales of the Barronnes, that beis in the Schire. And that the Baillies of the Regalities and Barronnies, uſe and exerce their priviledge in the halding of weapon-ſchawinges within themſelfe, after the forme of the ſaid act of Parliament maid thereupon.

91. *Deteiners of the Kingis rentes ſuld be puniſhed.*

ITEM, As touching the Kingis mailles, rentes and fermes that ar halden fra his Hieneſſe, upon the quhilk his eſtait and houſhalde ſuld be ſuſteined: The Lordes thinkis expedient, that the Kingis Maiſter of houſhald and Comptroller, adviſe and ſee quhair his rentes and fermes ar with-halden, and obeyis not the Kingis charges. And that the Maiſter of houſhald and uther Lordes of Councell, paſſe and diſtreinzie the Officiares in thay partes, to bring their perſones to the King that diſobeyis his authoritie, and with-haldis his rentes.

92. *Of making of peace amangſt the Kingis Lieges.*

ITEM, Anent the diviſion, debaites and diſcordes that ſtandis amang our Soveraine Lordis Lieges, Barronnes and utheris, quhilk is dangerous to be unſtanched baith of breakers of the Realme, and that they ſuld gang in unitie and concord, to the reſiſting of our Soveraine Lordis enemies of *England:* It is thocht expedient be the ſaids Lords, to counſel our Soveraine Lord to make be called before him and his Councell the greate Lordes, and put them in friendſhip and concord, or they depart fra his preſence. And to command his Juſtice and Lordes, that paſſis to his Juſtice aires, that they call before them uther ſmaller perſones to make unitie and concorde amang them: Sa that our Soveraine Lordis Lieges ſtand in peace amang them, and be obedient to our Soveraine Lords authority.

93. *Of the money: The Wardens office: of Bulzieon.*

ITEM, It is ſtatute and ordained be our Soveraine Lord and his three Eſtaites in this preſent Parliament, that a fine penny of gold be ſtricken of the wecht and finnes of the *Roſe*-Noble, and a penny of ſilver to be equal in finnes of the auld *Engliſh* groate, and ten of them to make ane ounce of ſilver, and to have courſe and paſſe for fourteene pennies. And there ſall be alſwa ane halfe groate of the ſamin. And the ſaid penny of gold to have courſe, and pas for threttie of the ſaid groates. And ane uther penny of gold to be of the ſamin prent, and to have courſe for xx. of the ſaid groates. And the thrid penny of gold to have paſſage for x. of the ſaid groates. And the ſaid penny of Golde to have ſik prent and circumſcription, as ſall be adviſed be the Kingis Hieneſſe. And all uther money to be conformed equally thereafter. And that our Soveraine Lord ſall limit a wiſe man, that hes knawledge in the money to be Wardene thereof, and to examine and aſſaie the finnes of the ſaid gold and ſilver, after the forme and rule maid in the Parliaments of before: the Wardene and the cuinzioures havand ſik like fees for their laboures, as they had in our Soveraine Lordis Fathers, and Grandſchirs times, and ſik-like profite to cum to the Kingis Hieneſſe of the cuinzie. And for the inbringing of bulzieon, the merchandes ſall for the gud of the Realme, bring in of ilk Serplaith of Wooll, Skin, hydes and claith, and of ilk laſt of Salmond, effeirand thereto, foure ounce of burnt ſilver. And they ſall have for ilk ounce, ten of the ſaid groates.

94. *Of Juſtice aires, reſpettes, and remiſſions.*

ITEM, It is thought expedient be the Lordes foreſaid, that for the increaſe of juſtice and tranquilitie of the Realme, that our Soveraine Lord cauſe his juſtice aires to be halden univerſally in all partes of his Realme twiſe in the zeir, anis on the graſſe, and anis on the Corne, unto the time that the Realme be brocht to gud rule. And counſellis his Hieneſſe to call a parte of the Lordes and headeſ-men of all partes of his Realme, and take dittay of them of notoure treſpaſſoures, without exception of ony perſon, to be taken and juſtified without remiſſion, quhilk they underſtand wald be great cauſe of the commoun gud and weilfare of the Realme. And that na reſpettes be given in time to cum: For they ar mair againſt juſtice, then plane remiſſions ar. And that the reſpettes that ar given, be na prejudice to the parties, anent the perſewing of their richtes, nor to dittaies, nor arreiſtments to the Kingis officiares, Crowner nor uther deputes. And that na remiſſiones war given for commoun thieft, except the firſt aires, as for the Borderers, that is to ſay, the *Mers*, *Tewiotdale*, *Jedburgh-forreſt*, *Liddaliſdale*, *Eſkdale*, *Ewiſdale*, and *Annanddale*.

95. *Of Ferriers that takis double fraucht.*

ITEM, Becauſe there is great extorſions raiſed upon our Soveraine Lords lieges, baith puir and rich, be taking of double and triple fraucht, be the Ferriers, in contrair the auld actes of Parliament, and uſe and conſuetude of the Realme: The Lordes of the Articles thinkis expedient, that all Ferriers within the Realme in time to cum, be charged that they raiſe nor tak na mair fraucht of our Soveraine Lordis lieges for man nor uther gud, bot ſameikle as is ſtatute and ordained of before to be payed, and after the auld uſe and conſuetude. And that they be reddie to ſerve all men for that fraucht, ſa that they be not taryed in default of the Ferriers. And that this be a poynt of dittay in time to cum: And quha that beis convict, in the firſt aire, ſall pay the unlaw of the aire. And at the nixt time, the boate to be eſcheit. And at the thrid time, to be ſuſpended fra the uſing of the ſaid office for all the daies of his life, and to be priſoned and warded at the will of our Soveraine Lord.

96. *That there be ane Deakon and ſearchour of Gold-ſmithes.*

ALSWA it is adviſed and concluded be the Lordes of the Articles, that for the eſchewing of the great damnage and skaithes, that our Soveraine Lordis lieges ſuſteinis be the Gold-ſmithes in the miniſhing the fines of the ſilver warke: That fra thine furth there be in ilk burgh of the Realme, quhair Gold-ſmithes ar, ane Deakon, and ane ſearchour of the Craft. And that ilk Gold-ſmithes warke be marked with his awin marke, the Deakons marke, and the marke of the Towne, of the fineſſe of elleven penny fine. And quhair there is ony ſik warke within the ſaid fineſſe, the warke to be broken, the wark-man to up-make the availe of the fineſſe foreſaid, and the ſaid wark-man to be puniſhed therefore at the Kingis will. And that na Gold-ſmith take upon hand to be a maiſter, or to hald open buith of the Craft, bot gif he be admitted be the officiares of the Craft, and the haill body of the Craft. And gif ony be foundin uſand Craft, haldand open buith, that ar unſufficient, that the perſones be cauſed to ceaſe and put under a maiſter of Craft. And this act to be put to execution within 40. daies nixt followand the proclamation of the ſame.

97. *The crying downe of the new Plackes.*

OUR Soveraine Lord of his ſpecial grace, and at the requeſt and deſire of the Lords of the three Eſtaites in his Parliament, havand conſideration of the great diſtreſs, that now proceedis amangſt his lieges in default of victualles and all uther merchandice & gudes, that is put to derth, and raiſed and put to exceedand price, and halden and abſtracted fra mercats, throw occaſion of great quantitie of falſe counterfeit money, plackes, ſtricken in cuinzie of lait be fals cuinzieours, not allanerly within this realm, bot als out-with the realme ſa ſubtillie, and in ſik forme of mettle, that it is unpoſſible to diſcerne and knaw the trew fra the fals: that therefore his hienes moved of pietie, and of his grace, as ſaid is, and for ſafety of his people, eſchewing of dearth, and mony uthers inconvenients, hes ordained to ceaſe the courſe and paſſage of all the new plackes laſt cuinzied, and gar put the ſamin to the fire. And of the ſubſtance, that may be fined of the ſamin to gar make ane new penny of fine ſilver, like the fourteene penny groate ordained of before, quhilk is of fines to the *Engliſh* groate, and ten of them to make an ounce. And in part of releeving of his people, that they ſall not tine all the ſummes that they have of the ſaidis plackes, his hienes hes cauſed *Thomas Tod*, and *Alexander Levingſtoun* to receive, grant, and take upon them all plackes baith trew and fals, that is within his realme fra quhatſumever perſones that will bring or ſend them to the ſaidis *Thomas* and *Alexander*, betwixt this and the laſt day of May *incluſive*, and to give therefore ij. pennies for ilk plack, that is to ſay, a xiv^d. groate for ſeven of the ſaid plackes, or ony uther payment, that will empleis the partie receivand. And the ſaidis *Thomas* and *Alexander* ſall find ſovertie to the perſones, that they receive the money fra, to make them payment, as ſaid is, gif ſovertie be deſired of them. And that the latter payment ſall be maid to all perſons be the laſt day of September nixt to cum.

FINIS.

THE FOURTEENTH

PARLIAMENT

OF

KING JAMES THE THRID,

Halden at Edinburgh, *the first daie of October, the zeire of God, ane thousand, foure hundreth, auchtie seven zeires.*

98. *For in-bringing of trespassoures, and defending of them at the Barre.*

ALSWA, Becauſe our Soveraine Lorde, hes ſa gratiouſlie applyed him to the counſel of his three Eſtaites at this time, in all thinges concerning them, and the commoun profite of the realme, & benignlie granted to them all their deſire & requeſtes, that they have maid to his Majeſtie, all the Lordes Spiritual and Temporal, Barronnes, Free-halders, and Communities of the Eſtaites of the Realme, hes freelie granted, that everie ilk ane of them for himſelfe, ſall faithfullie promiſe and ſweare, that they ſall not in time to cum, manteine, fortifie, ſupplie, defende, nor be Advocates, nor ſtande at the Barre with manifeſt traitoures, nor commoun menſlayers, thieves, rievers, nor uther treſpaſſoures, nor perſones perteining to themſelfe or utheris: Saifand it ſall be leiful to them in ſober wiſe, to ſtande with their kinne and friendes, in the defence of them in honeſt actiones: Bot that they ſall at all their gudlie power, bring, or gar bring treſpaſſoures to Juſtice, and underly the Law, but diſſimulation, quhen ever they be required or charged thereto, be OUR SOVERAINE LORD, or his Juſtice. And als then at all their power and knawledge, ſall give their counſel, helpe, ſupplie, favoure, and aſſiſtance to inquire and get knawledge of the ſaid treſpaſſoures for execution of juſtice upon them, after their demerites. And that the Lordes of the Regalities, and all utheris, Spiritual and Temporal, that hes juriſdiction of Courtes, nor their Baillies ſall not ſell ony trſpaſſoures, nor fine with them nor ſall not for love, favoure, affection, or meid, or rewarde leave juſtice undone. And that ilk ane of them ſall make ſuith-faſt and true relation to our Soveraine Lordis Chancellar or Juſtice, quhen they ſall be required of the perſones that dois in the contrair hereof. And quha ſa beis convict and attainted of the breaking of the poynts and articles foirſaid, or ony of them, ſall be puniſhed after the forme of the Kingis Laws, and of *Regiam Majeſtatem*: And the ſtatutes maid be King JAMES the Firſt, and King JANES the Second, our Soverain Lords Grandſchir and Father.

99. *Of arreiſting of mightie and diſobedient perſones to the Juſtice aire.*

ITEM, It is thocht expedient, ſtatute and ordained for the gud of Juſtice, in-bringing of treſpaſſoures to the Law, and puniſhing of them, that in time to cum, quhen the Crowner receivis his porteous and traiſtis, that there be ony perſones conteined in the ſamin, that will diſobeie him, that he dare not, nor is not of power to arreſt: In that caſe the Crowner ſall paſſe to the *L*orde & Barronne of Barronnie, quhair that perſon or perſones dwellis and inhabitis. And gif he dwellis not within a Barronie, he ſall paſſe to the Schireffe of the Schire, and ſchaw his porteous, that he hes ſik perſones conteined therein, and inquire and aske, gif that *L*ord, Barronne, or Schireffe will be ſovertie and Borgh for thay perſones or perſon, to enter them to the juſtice aire, ſen they dwell within their *L*ordſhippes, Barronnies & boundes. And gif they grant thereto, he ſall deliver them the names of the perſones, that they cum borrowes for, indented in writ, ſealed or ſubſcribed with their awin hands. And if they deny and refuſis the ſovertie or borgh, he ſall ask and require the ſaid *L*ord, Barron or Schireffe in the Kings name, outher to pas, or ſend their officiars with their houſhald and familiars, in ſufficient number with the ſaid Crowner, or ſtuffe, fortifie and ſupplie him in the making of his arreiſtment, taking or keiping of the perſon that will not finde ſovertie, quhill he be brocht to the *S*chireffe to be keiped to the Juſtice Aire. And quhat *L*ord, Barronne, or *S*chireffe, that denies or refuſis the doing thereof, ſall pay ten pounde to the King, at the nixt Juſtice aire thereafter: *S*wa that it may be ſufficiently proved be the Crowner, that they were required thereto, as ſaid is.

100. *Men-ſlayers charged upon ſex daies, and nocht compeir and, ſuld be denunced Rebbelles.*

ITEM, It is thocht expedient, ſtatute and ordained, that the Actes of Parliament maid of before, anent the punition of ſlauchter be put to execution, with this addition: that quhair ony perſon committis ſlauchter,

ſlauchter, and cummis not incontinent to the Schireffe to binde him to the Law, and finde ſovertie therefore, after the forme of the actes of Parliament maid of before, bot beis fugitive and abſentis him: The Schireffe ſall then foorth with, be him or his deputes, ſearch and ſeeke the committer of the ſaid ſlauchter at his dwelling place, if he hes ony. And if he hes nane, and cannot be perſonally apprehended: Then the Schireffe ſall put his gudes under arreiſt, and paſſe, or ſend his depute to the head Burgh of the Schire, quhair the ſlauchter is committed, and be open Proclamation at the mercat-croce, warne and charge the ſlayer, ane or maa, as they be, that they cum to him within ſex daies nixt after, and finde ſovertie to compeir and underly the law at a certaine day, under the paines conteined in the actes of Parliament, maid of before. The quhilkis ſex dayes beand runnin, and the perſones not compeirand, and findand ſovertie, as ſaid is: Then the Schireffe incontinent, to put them to the horne, and denunce them the Kings rebelles, and take and eſcheit their gudes. And make warning to the nixt Schireffe, that ſik perſones ar put to the horne be him, and charge him in our Soveraine Lordis name to do the ſamin, or els take and arreiſt their perſones, gif they may be apprehended, and bring them to the Law.

101. *Of the keiping of arreiſted treſpaſſoures.*

ITEM, It is thought expedient, ſtatute and ordained, for the punition and juſtifieing of ſik treſpaſſours as hes bene in times by-gane, after that they were taken and arreiſted be the Crowners, and in default that they could finde na borrowes, nor there was na Caſtell to receive and keepe them in, quhill the Juſtice Aire, and their-throw eſcaiped and was put fra the Law: That therefore in time to cum, quhair onie Crowner arreiſtis and takis ſik treſpaſſoures, he ſall bring them to the Schireffe of the Schire, quhilk Schireffe ſall receive them, and keepe them in ſuretie and firmance on OUR SOVERAINE LORDIS expenſes quhair it failzies of their awin gudes, quhill the nixt Juſtice Aire, and then preſente them to the Juſtice. The quhilk Schireffe ſall have allowed to him in the Checker, for the expenſes, that he makis in the keiping of thay perſones, that beis delivered to him be the Crowner, for ilk perſon three pennies on the day, he bringand a teſtimonial to the Checker fra the Juſtice under his ſeale, of the perſones, that he bringis to the Juſtice aire, and how lang time, and quhat dayes he keiped them. Upon the quhilk time and daies the Juſtice ſall take certification and proofe in the aire, quhat time the Crowner delivered them, and how lang the Schireffe keiped them. And gif the Schireffe refuſis to receive the perſon or perſones that ſall be brocht to him be the Crowner, as ſaid is, he ſall underly the danger and unlaw of the Juſtice aire to the fourt court, as ane borgh ſuld do, for fault of entrie of a perſon arreiſted, the Crowner prievand, that he brocht ſik perſones to the Schireffe, and required him to receive them, as ſaid is.

102. *The Crowner may nocht intromet with gudes of men convict, without the Schireffis conſent.*

ITEM, It is ſtatute and ordained, that becauſe the Crowners in times by-gane, throw wrang conſuetude and abuſion of the Lawe, after that a treſpaſſoure was convict before the Juſtice, and condemned to the death, the ſaidis Crowners walde incontinent paſſe or ſend to eſcheit the gudes perteining to our Soveraine Lorde, of ſik convict treſpaſſours, and at their awin hand intromet with the ſamin, and appropriate a part thereof to their uſe, baith corne and cattle, & uther gudes, that of law or reaſon ſuld nocht perteine to their office: It is therefore thocht expedient, ſtatute and ordained in this Parliament, that in time to cum, na Crowner take upon hand to take ony ſik gudes, or intromet therewith, quhill the Schireffe of the Schire or his deputes pas or ſend with them, and ſee all the haill gudes, and thereafter deliver to them ſameikle, as they ſuld have of reaſon, and as perteinis to their office, and bring the remanent till our Soveraine Lord and his Theſaurer: And that the Schireffe deliver to the Crowners na mair, then they aucht of Law to have. And gif they do in the contrair hereof, and intromettis and takis ony of the ſaid gudes at their awin hand, they to be puniſhed therefore, as for rieſe.

103. *The Schireffe and the Crowner ſuld thoill ane aſſiſe the laſt day of the aire.*

ITEM, It is ſtatute and ordained, that there be charge given to the Juſtice, that he in time to cum, the laſt day of his aire, give ane aſſiſe to the Schireffe and Crowner, gif they have uſed and done their office treulie. And gif they be convict and foundin falſe therein, that they be puniſhed therefore, after the forme of Law and their demerites.

104. *The Schireffe diſchargeand convocation, and diſobeyed, may continue his courte.*

ITEM, It is ſtatute and ordained, that the acte and ſtatute maid of before, anent the cumming to courtes in ſober wiſe and quiet, but armes or convocation of our Soveraine Lordis Lieges, be put to ſharpe execution in all poyntes conteined in the ſamin, and with this addition: That fra the Schireffe be ſickerly certified and get knawledge, that ony parties makis convocation and gathering of armes to cum to the Court: The Schireffe ſall be himſelfe, his deputes or Officiars, ſend to thay parties, and charge them to ceaſe, and skaill their gadderinges, and cum in ſober and quiet wiſe to the court, after the forme of the ſaid

acte, the quhilk gif they do not, that he ſall ceaſe the court for that day, and incontinent cum and ſchaw to our Soveraine Lord, quhat perſons diſobeyis him. And thereafter to call thay perſones, and take knawledge of their diſobedience. And quha that beis foundin culpable, ſall be puniſhed be warding of their perſones for ane zeir, and als to pay the expenſes and damnage, that the partie ſuſteinis be deferring of Juſtice, throw the ſaid diſobedience.

105. *That all actions firſt be perſewed before their Judge Ordinar.*

ITEM, It is thocht expedient, that all civill actions, queſtions and pleyes, moved betuixt quhatſumever parties, be determined and decided before their Judge Ordinar, as Juſtice, Chalmerlane, Schireſſes, Barronnes, Proveſtes and Baillies of Burrowes, and uthers Officiares Judges and miniſters of Law, to quhom thay actions perteinis and effeiris, to be determined and decided: Swa that na actiones ſall be deduced, called, nor determined before the Lordes of our Soveraine Lordis Councell, except allanerly actions perteining in ſpecial to our Soveraine Lord, actions and complaintes maid be Kirk-men, Widowes, Orphanes, and Pupilles, actions of ſtrangers of uther Realmes, and complaints maid upon officiares, for fault of execution of their office, or quhair the officiars ar partie themſelfe. And quhen ever the complainte is maid on the Officiar for wrangeous and inordinat proceeding in ony maters, and ſummoundes be determined and given thereupon, the partie that hes perſewed or defended the action, ſall be ſummound and called the ſamin day, with the Officiar for their entres, and ſpecial charge given, that the rolmentes of the court be brocht with them to that day, that it may be underſtandin, quhidder it be richteouſly proceeded and determined, or not. And gif it beis foundin, that the Officiar hes proceeded wrangeouſly, or unordourly: The proceſſe ſall be reduced and annulled, and he to pay the expenſes of the partie, and to be puniſhed at the will of the King, after the forme of the acte of Parliament maid in that mater of before. And gif the partie compleinzieand beis foundin in the wrang, be making of the complaint, he ſall paye baith the expenſes of the Officiar and the partie. And gif the partie be not of power to pay the coaſtes: Then their perſones ſall be at the will of the King, tane and puniſhed be warding or priſoning of their perſones: Providing alwaies that this ſtatute hurt not the proces of the falſing of doomes, quhair it pleaſis the partie to proceede that way. And that all ſummoundes, that ar now raiſed, or ſtandis under continuation, dependand and undetermined, ſall be decided and ended before the Lordes of Councell. And this acte and ſtatute till indure quhill the nixt Parliament.

FINIS.

THE ACTS AND STATUTES

That the haill Commiſſioners of Burrowes deſiris to be ratified and apprieved in this preſent Parliament, and to be put to execution for the honour of our Soveraine Lordis Hieneſſe, his Realme, and weil-fare of Merchandes.

106. *Of ſaillers, to have halfe ane laſt of gudes.*

ITEM, It is ſtatute and ordained, that the actes of Parliament maid of befoir upon the greate multitude of ſimple, unhoneſt perſons Saillers foorth of all Burrowes South and North, in the parts of *Flanders*, *Holland*, or *Zeeland*, micht be put till dewe execution: Sa that na man ſaile in the ſaids parts in way of merchandice, bot famous and worſhipfull men, having ilk ane of their awin halfe a laſte of gudes, or havand ſameikle in ſteirage or governance, under the paine of ten pounde, to be raiſed to OUR SOVERAINE LORDIS uſe, as the auld actes proportis. And als that na Merchande ſaill within the foreſaide partes, bot gif he be a free-man of a Burgh, and indweller of the ſamin, under the ſaid paine. And that ſearchoures micht be limit here-upon, havand power to execute and ſearch the actes, and raiſe the paine, and inbring the ſamin till our Soveraine Lordis Checker, als oft as they be foundin doand the contrair hereof. And the Commiſſioners thinkis expedient, that in ilk Burgh, the Proveſte, Baillies, and Cuſtomers, be ſearchoures, and anſwer hereof.

107. *That Craftef-men uſand merchandice, renunce their Craft.*

ITEM, It is ſtatute and ordained, that the acte of Parliament, touching the Craftef-men uſand and deal-and with merchandice, micht be put to execution, ſa that he that is a Craftef-man, outher for-beare his merchandice, or elſe renunce his Craft, but ony diſſimulation or cullour, under the paine of eſcheit of the merchan-

merchandice, that he uſis occupyand his Craft, and this eſcheit to be in-brocht be the ſaid ſearchoures to our Soveraine Lordis uſe, and compt thereof to be maid in the Checker.

108. *Of chuſing of officiares in Burrowes.*

ITEM, It is ſtarute and ordained, that the acte of Parliament, maid anent the chuſing of Officiares in Burrowes may be ratified and approved, and put to execution, and in time to cum to be obſerved and keiped: Sa that the election of Officiars micht be of the beſte and worthieſt indwellers of the Towne, and not be partialitie nor maiſterſhip, quhilk is undoing of Burrowes, quhair maiſter-ſhippes and requeiſts cummis.

109. *Of frauchting of Schippes, and the paines thereof.*

ITEM, It is ſtatute and ordained be the three Eſtaites in this preſent Parliament, that the acte of frauchting and lading of Schippes, micht be put to execution after the tenour of the ſamin, and that na gudes be ſured be the maiſter upon his over-loft, nor the merchandes gudes to be ſtricken up, nor unreaſonably ſpaked nor rieven, under the paine of twentie pound to the Kingis uſe. And this to be ſearched be the Officiares of the Burgh, and the head frauchteſ-men of the Schip, the quhilk ſall anſwere therefore.

110. *The bind of ſalmond, and meaſure thereof.*

ITEM, it is ſtatute and ordained be the three Eſtaites in this Parliament, that the Barrel binde of Salmond, ſuld keipe and conteine the aſſiſe and meaſure of fourteene Gallones, and not to be miniſhed, under the paine of eſcheit of the Salmond, quhair it beis foundin leſſe, to the Kingis uſe: And that the Proveſt, Baillies, and Cuſtomers of ilk Burgh, be ſearchoures heirto. And that ilk Burgh have three hupe irons, *videlicet*, ane hupe irone convenient herefore, ane at ilk end of the barrel, and ane in the middeſt: for the meaſuring of the barrel, and a burning iron to marke the ſamin, under the paine of eſcheit of the barrel unmarked.

111. *That Commiſſioners of Burrowes compeir togidder anis in the zeir in* Innerkething.

ITEM, It is ſtatute and ordained be the haill three Eſtaites, that zeirly in time to cum, certaine Commiſſares of all Burrowes, baith South and North, conveene and gadder togidder anis ilk zeir in the Burgh of *Innerkething*, on the morne after Saint *James* day, with full commiſſion: and there to commoun and treate upon the weil-fare of merchandice, the gude rule and ſtatutes for the commoun profite of Burrowes. And to provide for remeid upon the ſkaith and injuries ſuſteined within the Burrowes. And quhat Burgh that compeiris not the ſaid daie be their Commiſſares, to paye to the coaſtes of the Commiſſares five pound. And zeirly to have our Soveraine Lordis Letter to deſtreinzie herefore, and for the inbringinig of the ſamin.

112. *Annexation of the Erledome of* Marche, *and uther landes to the Crowne.*

IT IS thought expedient be the three Eſtaites, to unite and annexe perpetually to the Crowne ſik Lordſhippes and lands, as they ſall think convenient, of the landes that is cumming in the handes of our Soveraine Lord, be the fore-faltour, led upon *Alexander*, Duke of *Albany*, Erle of *Marche*, *Mar*, and *Garioch*, Lord of *Annandail* and *Manne*: And Sir *James* of *Liddal*, of *Halkerſtoun*: Sa that thereafter our Soverain Lord may be adviſed how he will diſpone the remanent to the rewarding of his true lieges, that hes in time by-gane done, and ſall in time to cum do, his Hienneſſe gude and true ſervice. Of the quhilk annexation the tenour followis: JAMES, be the Grace of God, King of *Scottes*, to all and ſindrie his lieges, baith Clerkes and Laickes, greeting: FOR-Sameikle as there is nathing mair honourable to us, and our Succeſſoures, nor profitable to our ſubjectes inhabitants of our Realme, then to have in all the partes of our Realme, certaine dominions and poſſeſſions appropriate unto us: In the quhilk we may perſonally dwell and remaine, for doing of Juſtice to our ſubjectes, and puniſh the male-factours & tranſgreſſoures of our Lawes: that therby we may governe honourablie, and quietlie preſerve the Eſtaite of our Realme, without oppreſſing of our Leiges: Therefore in our Parliament, halden at *Edingurgh*, the firſt of *October*, the zeir of God, ane thouſand, four hundreth, four ſcoir ſeven zeiris; with advice and conſent of all and ſindrie Prelates, Barronnes, Burgeſſes, Commiſſioners, Free-halders, repreſentand the three Eſtaites of our Realme: It is ſtatute and ordained, that all and ſindrie Lordſhippes, Landes, Caſtelles, with Advocation and Patronage of Kirks and Chaplanaries, with their pertinents hereafter expreemed, ſall be in all times cumming united, incorporated, and annexed: Like as be this preſent ſtatute and ordinance, they ar reallie united, incorporated, and annexed to us, our Succeſſoures Kingis of *Scotland*, and to the richt of the Crowne thereof perpetuallie: Swa that it ſall not be leaſum to us, our Succeſſours Kings of

Scotland quhat-ſumever, in ony time hereafter, to give, grant, or in ony manner of way to annalie from the richt and propertie of our Crowne, in fee or life-rent, to ony perſon or perſones, of quhatſumever Eſtaite, degree, ordour, or condition he be of: The foreſaidis Lordſhippes, Landes, Caſtelles, Patronages of Kirkes, or ony part thereof, except the ſaid donation, or alienation, ſall be maid with the adviſe, mature deliberation and decreit of Parliament of the three Eſtaites of our Realme: And that for the evident commoditie, and manifeſt utilitie of us, our Succeſſoures and ſubjectes. And gif it ſall happen ony of the Lordſhippes, Landes, advocation of Kirkes within written, to be annalied or diſponed be us, our Succeſſoures Kingis of *Scotland*, in ony time hereafter, without mature deliberation, conſent, and decreite of Parliament, or our evident commoditie, and manifeſt utilitie of us, our Succeſſoures and ſubjectes, as ſaid is: The ſamin donation and alienation, ſwa maid and granted, ſall be of na ſtrength, force, nor effect: in ſikſorte that it ſall be leiſum to us and and our Succeſſours, Kings of *Scotland*, for the time, to take back and receive at his awin free will and pleaſure without ony proceſſe of Law to be moved there, anent the ſaidis landes, Lordſhipes, Caſtelles, and advocation of Kirkes, ſwa alienate, contrair the tenour of this ſtatute, to remaine as richt and propertyof our Crown, and to our awin proper uſe, notwithſtanding the alienation thereof foreſaid: And mair-over, all and ſindrie the perſones to quhome the ſaidis Lordſhippes, landes, Caſtelles, Advocation of Kirkes was ſwa given and annalied, ſall be bound and obliſhed to reſtore all and ſindrie fructes, commodities, and emolumentes intrometted-with and taken up be them of the ſaidis landes, induring the haill time of the donation and alienation thereof, to us our Succeſſoures, Kingis of this Realme for the time. And thir ar the Lord-ſhippes, Landes, Caſtelles and Advocation of Kirkes, united, incorporated, and annexed to us, our Succeſſoures and richt of our Crowne.

Imprimis, All and haill the Lordſhippe and Erledome of *March*, with the pertinents: All and haill the landes of the Barronnies of *Dumbar*, and *Colbrands-peth*, with the Caſtel of *Dumbar*, with the toure and fortalice of *Colbrands-peth:* All and haill the landes of the Lordſhip of *Annanddail*, with the pertinents, with the Caſtel of *Lochmaban*, with tennentes, tennendries, and ſervice of free tennentes, of the ſaid Erledome and Lordſhippe of *March*, and of the foreſaidis Barronnies of *Dumbar*, and *Colbrands-peth*, and Lordſhip of *Annanddail*, and Advocations of all and ſindrie Kirkes, Prebendaries and Chaplanaries perteinand to the ſaidis Erledome, Barronnies and Lordſhippes: Mair-over to the effect that this preſent ſtatute may be the mair ſurely keiped and obſerved: It is ſtatute and ordained, that we ſall give our bodiely aith, for the inviolable obſervation of the ſamin: And that all and ſindrie our Succeſſoures, Kingis of *Scotland*, ſall be obliſhed to make the like aith in the time of their Coronation: In witneſſe of the quhilkis all and ſindrie premiſſes, our great ſeale, and the ſeales of the Venerable and Reverend Fathers in Chriſt, Biſhoppes, Abbottes, Priors, togidder with the ſeales of our Lovits, Couſinges, Earles, Lordes, Barronnes, Free-halders, and Commiſſioners of Burrowes, ar hereto hung and appended.

113. *The Crowner ſuld have the horſe perteining to the malefactores.*

IT is ſtatute and ordained, that the ſtatute maid of before, anent the gudes of the perſones that ar juſtified, and quhat part the Crowner ſuld have thereof: and eſpecial of this poynt, quhair it is ſaid, in the ſaid ſtatute, of dantoned horſe un-ſchod: that it be interpreted and declared in time to cum, in this waies: That the ſaid Crowners ſall have dantoned horſe depute to warke, and not to the ſaddle, that was never ſchod nor uſed to ſchone.

114. *Anent ſtrangers bringand in victualle, and utheris merchandice.*

AND Attout, for the commoun profite of the haill Realme, and to cauſe ſtrangers of uther Realmes to cum within the ſamin with victualles and uther Merchandice, to the ſupportation of the Kingis Lieges: It is ſtatute and otdained that in time to cum, all ſtrangeres be treated honorablie with all favoures, quhair ever they cum to ony Port of the Realme: And that nane of our Soveraine Lords Officiars, nor uther his Lieges, diſtrouble them, nor put them ſelves, ſchips nor gudes under arreiſt: Bot that they have full libertie and freedome to diſpone upon their awin gudes, and ſell them to free-men, without compulſion or violence: And that na price be ſet upon their gudes, bot be bying and ſelling with their awin conſent. And that na new cuſtomes, impoſitions, nor exactions be raiſed nor taken of them, bot after the auld uſe and conſuetude: And quhair ony victualles of Merchandice cummis gaining for our Soveraine Lord: that his Comptroller or receiver, after that the price be maid with the ſtrangers, ſall have ſameikle of the firſt and beſt, as is needefull to our Soveraine Lordis proper uſe, for the quhilk they ſall make thankfull payment, but delay, that in default thereof, the ſtrangers be not tarryed. And that in time to cum, na perſon under cullour of byeing to OUR SOVERAINE LORDIS uſe, take or receive mair gudes fra ſtrangers, to regrate and ſell againe, under the paine of baniſhing the Realme, and tinſell and eſcheitte of their mooveable gudes. And mair-over, that ſtrangers now being within the Realme, that ar plainteous of ony gudes taken fra them, or injurie done to them, ſall have incontinent payment maid to them, and reformation, according to Juſtice. And in like-waies, gif ony ſtrangers, that ar now abſent cummis hereafter to compleinzie, that they ſall have reformation and Juſtice of ony perſon within the Realme, but delay: Swa that throw miniſtration of Juſtice, and favorable treating of all ſtrangers, they ſall have occaſion to cum and repaire in the land in time to cum, to the great utilitie of the haill Realme.

15. *Com-*

115. *Commiſſion for examination of the Lawes.*

ITEM, The haill three Eſtaites hes committed full power of the haill Parliament to the perſones under written, to adviſe, commoun and refer againe to the nixt Parliament or Generall Councell, anent the reduction of the Kingis Lawes, *Regiam majeſtatem*, actes, ſtatutes, and uther buikes to be put in ane volume, and to be authorized, and the lave to be deſtroyed, *viz.* Four for ilk ane of the three Eſtaites, and the Prelates ar accorded to make the coaſte, of their Clerkes: And the Barronnes the expenſes of their perſones. And the Burrowes of their Commiſſioners.

F I N I S.

A N E T A B L E

Of the

PARTICULAR ACTES and utheris, maid be KING JAMES the Thrid, quhilkis ar nocht prented.

First Parliament, ninth of October, the zeir of God, ane thouſand, four hundreth, ſextie ſex zeires.

ANent the mariage of our Soveraine Lord.
Anent bairnes put in fee of the land.
For in-bringing of money within the Realme.

Second Parliament, xxxi. of Januar. 1466.

Licence to Merchandes to paſſe to Middle-burgh *with their gudes.*

Fourth Parliament. xiv. of Januar. 1467.

Anent ſitting of Seſſions.
That there be twa Seſſions.
Of ſitting and authorizing of Juſtice aires.

Fifth Parliament, xx. of November. 1469.

The Setter-day *and uther vigils to be halie daies.*
Anent the reduction of Hoſpitalles.
That Ferriers make Brigges.

Sext Parliament, vi. of Maij. 1471.

Of Cartes of weir to be maid.

Seventh Parliament, ix. of Maij. 1474.

Ane Embaſſadour to England.
That all complaintes be perſewed before their Judge Ordinar.

Aucht Parliament, xx. of November. 1475.

Of Juſtice aires twiſe in the zeir.
Anent the mariage of our Soveraine Lordis Siſter.

Tenth Parliament, vi. of Auguſt. 1477.

Of ſlauchter.
Of the money.

Ane

Ane Embaſſadour to the Duke of Burgundie.
Commiſſion anent an Embaſſadour to be ſent in England.

Elleventh Parliament, XVIII. of March. 1481.

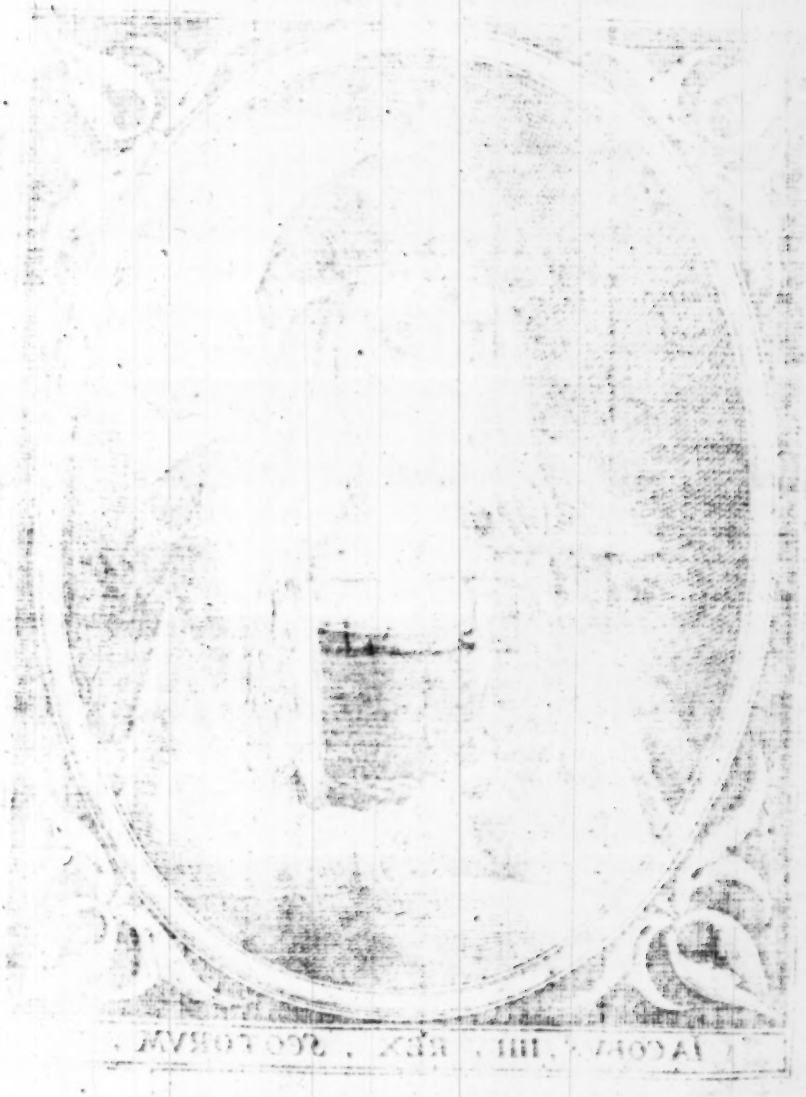
Anent weapon-ſchawing.
Againſt the riever Edward.
The Kingis promiſe anent Juſtice.
The maner to reſiſt the riever Edward.
Of Currours and their horſes.
For reſiſting of the traitour James Dowglas.
The up-halding of Berwicke, *and Garriſones on the* Bordoures.
Of wages contrair the favorers of James Dowglas.
Ane Embaſſadour to the King of France.
Anent the indult granted to the Arch-Biſhop of Saint-Andrewes.

Threttеenth Parliament, IV. of Februar. 1483.

Recovering of Dumbar *Caſtel againſt* Alexander *Duke of* Albanie.
The denying of remiſſions and reſpettes.
Impetration of benefices the ſege vacand.
Ane Embaſſadour to King Richard.
Of the Fiſh-girth.
Ane Embaſſadour to the Paipe, *and his inſtructions.*
Of talloun and ſalt hides.
Refuſe of remiſſions and reſpettes.
Of Juſtice generalles to be maid.
Embaſſadour to the King of the Romaines.
Of fiſhing and making of herring in the Weſt ſea.
Annexation of the Priorie of Coldingham *to the Chaipel Royal.*

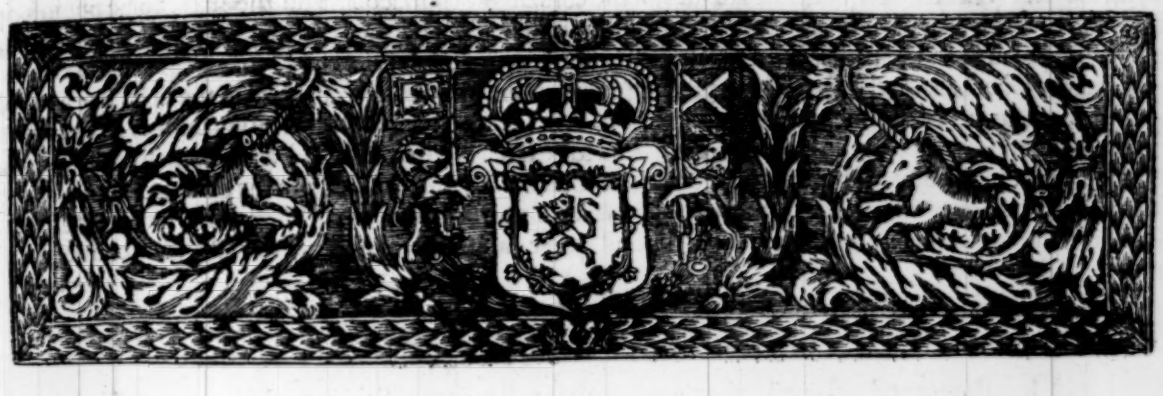
F I N I S.

THE





IACOBVS . IIII . REX . SCOTORVM .



THE FIRST

PARLIAMENT

OF

KING JAMES THE FOURTH.

Halden at Edinburgh, *the VI. Day of October, The Zeir of God, Ane thouſand, foure hundreth, foure-ſcoir aucht zeires: And of his Reigne the firſt zeir.*

1. *Of Burrowes repledgeand their Nichtboures fra the Juſtice.*

IT Is ſtatute and ordained anent the article belangand the Burrowes, in the time of the Juſtice aires, quhilkis hes bene repledged fra the Juſtice, he ſittand in the principal Burgh of the Schire, into their freedomes: Throw the quhilk repledging, juſtice hes not bene done upon the inhabitants of the ſaid Burrowes in time by-gane: Therefore in time to-cum it ſall be leiffull to the Kingis Juſtice, he ſittand in the principal Burgh of the Royaltie, upon the mater of the aire, to give ane aſſiſe to all inhabitants within utheris Burrowes of their awin Nichtboures, that beſt knawis the veritie, gif they be preſent. And gif ſa mony bee not preſent, that may be ſufficient number: That it ſall be leiffull to him to chooſe ane aſſiſe of the ſaid Head-burgh, or to eik the number, as he thinkis maiſt expedient for the gude of Juſtice, and without prejudice of the freedomes of the ſaid Burrowes.

2. *That a fine penny of gold, and ane uther of ſilver be ſtricken, Of the Wardens of the cuinzie.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites in this preſent Parliament, that a fine penny of gold be ſtricken, to be of weicht and fines to the *Roſe*-Noble, and ane penny of ſilver to be equal to the auld *Engliſh* groate, and ten of them to make ane ounce of ſilver, and to have courſe and gang for fourteene pennies. And that there ſall be ane halfe groate of the ſamin. And the ſaid penny of gold to have paſſage and gang for threttie of the ſaids groates. And ane uther penny of gold to have courſe and gang for twentie of the ſaidis groates of the ſamin prent. And the thrid penny of gold to have paſſage for ten of the ſaidis groates of the ſamin prent. And the ſaidis pennies of Gold and ſilver to have ſik prent and circumſcription, as ſall be adviſed be the Kingis Hieneſſe. And all uther money to be equally conformed thereto. And our Soveraine Lord ſall limit ane cuinziour thereto, as *Alexander Levingſtoun*, and a wiſe and leill man, that hes knawledge in the money, to be warden thereof: That is to ſay, *James* of *Creichtoun*, of *Ruchvendaun*, for the ſpace of a zeir, to examine and aſſay the fines of the ſaid gold and ſilver, after the forme and rule maid in the Parliament of before: The ſaidis Wardene and cuinzioures havand ſiklike fee for their laboures, as they had in the time of our Soveraine Lordis Progenitoures, and ſiklike profites to cum to the Kingis Hieneſſe of the ſaid cuinzie: And as for the in-bringing of Bulzieon, the merchandes ſall for the gud of the Realme, bring of ilk Serplaith of Wooll, ilk laſte of Salmonde, ilk foure hundreth claith, four ounce of brunt ſilver, of ilk laſte of hides ſex ounce, ilk laſte of Herring, twa ounce. And ſiklike of all uther gudes that payis cuſtome to the King. And the merchandes thereof ſall bring in Bulzieon effeirand thereto. And attour, the merchandes that bringis hame the ſaid Bulzieon, quhilkis

ſall be of the fines foreſaid, ſall have of the ſaid cuinzie, and to be payed be the Wardene, twelve ſhillinges for ilk ounce. And the ſaid Wardene ſall furniſh the cuinziour of bulzieon, and the irons to be put in keiping, and to receive it, that is cuinzied to the changeour thereof, and pay the merchandes for the ſaid Bulzieon, and to take ane aſſay of Gold and Silver that ſall be cuinzied, as is foreſaid, to be keiped and examined zeirly at the Checker, and there to be maid compt of ſa mony ounces, as is cuinzied in the zeir, baith of gold and ſilver. And the Cuſtomers at their compts making, to be charged with ſa mony ounces, and utheris gudes, as is abone written in the ſamin forme. And to be diſcharged of ſa farre, as they deliver to the ſaid Warden and cuinzieoures. And that all merchandes that beis foundin culpable in the breaking of this ſtatute, ſall pay to our Soveraine Lorde, the double availe of the ſaid ounces of Bulzieon, according to the Serplaith and gudes abone written. And that all uther money, gold and ſilver ſall have courſe to the availe, as it is now.

3. *That ſchippes cum to free Burrowes.*

ITEM, It is ſtatute and ordained, that in time to cum all maner of Schippes, ſtrangers and uthers cum to the Kingis free Burrowes, ſik as *Dumbartane*, *Irving*, *Wigtoun*, *Kirk-cudbricht*, *Renfrew*, and utheris free Burrowes of the Realme, and there make their Merchandice. And that the ſaidis ſtrangers bye na fiſh, bot ſalted and barrelled, nor bye nane uther merchandice, bot at free Burrowes, and there pay their dewties and cuſtomes, and take their cocquet as effeiris. And that they make na merchandice at *Lowes* nor uther places, bot at free Burrowes, as ſaid is. And that nane of our Soveraine Lordis Lieges take Schippes to fraucht, under colour to defraud our Soveraine Lord nor his Lieges, under the paine of tinſel of their lives and gudes, and that na ſtrangers do in the contrair, under the paine of tinſel and confiſcation of their Schip and gudes to our Soveraine Lordis uſe.

4. *Of Clerkes that purchaſis benefices contrair the Kingis preſentation.*

ITEM, It is ſtatute and ordained, that for-ſameikle as it was ſtatute and ordained be the Parliament in our Soveraine Lordis Anteceſſoures times of maiſt Noble minde: That quhatſumever Clerk his liege purchaſed ony benefice at the Court of *Rome*, of the quhilk the preſentation perteined to his Hieneſſe, the ſege vacand, be richt and priviledge of his Crowne: That they that attempts, accepts, or purchaſis ony ſik benefices, or committis the crime of hurt-majeſtie againſt his Hieneſſe, that the paines conteined in the act of Parliament, that is to ſay, proſcription, rebellion and treaſon be execute upon them. And now it is ſeene expedient be the three Eſtaites of the Realme, and ſtatute and ordained, that quhat time it be declared be the beſt and worthieſt Clerkes of the Realme, before the Lordes of Councel, that ony perſon or perſones be grace acceptis, or purchaſſis ony benefice, perteining to our Soveraine Lordis preſentation, the ſege vacand, in the Court of *Rome*, or within the Realme: or hes purchaſed or perſewed the ſamin, ſen the laſt ſtatute maid thereupon That after the declaration be maid be Clerkes before the Lordes of Councel, the Chancellar ſall make the paines conteined in the ſaid actes of Parliament to be put to execution upon the breakers of the ſaidis actes, les nor they leave the ſaid benefices, after they be required thereupon: And their letters of declaration to be given in name of our Soveraine Lord and his three Eſtaites. And that the Ordinaries diſpone upon their uther benefices, for the inhabilitie of their perſones. And gif ony perſones Spirituall or Temporal wauld mainteine, ſupply, or defend the ſaidis Clerkes, breakers of our Soveraine Lordis actes of Parliament, after that it be declared his Patronage, as ſaid is, they beand required, and will not deſiſt fra the ſupplying of the ſaidis Clerkes: That there ſall be letters given in likewiſe upon them, declaring them to haue faln in the ſamin paines, conteined in the actes of Parliament, as ſaid is.

5. *The revocation maid at* Scone.

ITEM, Anent the Proclamation maid at *Scone*: It is ſtatute and ordained, that all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-fermes, creations of new dignities, granted to ony perſones, quhat eſtaite, degree, or condition that ever they be of, ſen the ſecond day of *februar* laſt by-paſt, be umquhile our Soveraine Lordis Father, quhom God aſſoilzie, quhilk micht be prejudicial to our Soveraine Lord, and his Crowne, that now is, be caſſed & annulled, and to be of na force nor effect in times to cum: Becauſe that ſik alienations, gifts and priviledges were granted, ſen the ſaid time, for the aſſiſtance to the perverſed counſel, that were contrair the commoun gude of the Realme, and cauſe of the ſlauchter of our Soveraine Lordis Father, and divers uthers his Barronnes and lieges.

6. *That the aires be not hurt be their predeceſſoures.*

ITEM, It is ſtatute and ordained, anent the aires of all Lordes, Barronnes, and uther landed-men, that were with our Soveraine Lord that now is, in the field of *Striviling*, againſt the perverſed Councel in the misguiding of umquhile his Father, quhom God aſſoilzie, and the commoun gude of the Realme, that na hurt nor prejudice be done to them be ony of their predeceſſoures, in alienation or ſkaith of the heritages,

heritages, that they ſuld ſucceede to, ſen the time of the ſaid fielde, or in ony time to cum: And gif ony alienation be maid in prejudice of the ſaid aire, that it be of na ſtrength, force nor effect in time to cum. And decernis and declaris the ſamin of nane availe, gif there be ony done.

FINIS.

THE SECOND PARLIAMENT OF KING JAMES THE FOURTH.

Halden the fifteenth day of Februar, the zeir of God, ane thouſand, four hundreth, auchtie nine zeires.

7. *Of the freedome of halie Kirke.*

IN The firſt, for the honour of God, libertie and freedome of halie Kirk, and Kirkmen: It is ſtatute and ordained, that all priviledges, freedomes, and immunities of the ſamin be obſerved and keiped in time to cum, like as they have bene in the time of our Soveraine Lords Father, and for-beares of maiſt Noble minde, with this addition: That the takers and intrometters of the lands, teinds obligations, proffites or dewties of halie Kirk, without tacke or aſſedation of the Perſon, Vicar, or their fermorares, be called, and that to be a poynt of dittay in time to cum.

8. *Of univerſal concord amangſt his Lieges.*

ITEM, As touching the love, amitie and friendſhippe to be maid amongſt all our Soveraine Lords lieges and his Councel: It is thought expedient be the three Eſtaites, that our Soveraine Lord and his Councell ſall put his authoritie, be the adviſe of his ſaid Councell, to make all perſones and parties to be at friendſhip and concord, and quhat perſon or perſones that refuſis, in his default, to heare ane reaſonable and honorable concorde of his partie: That the Kingis Juſtice put ſharpe Juſtice on the partie, quhilkis ar obſtinate, throw the quhilk the Kingis Hienes may cauſe them to be in heartie amitie, friendſhip, and quiet with the punition, according to the Lawes of the Realme.

9. *For in-bringing of the taxation and un-doing of the Kingis diſcharge of ony part thereof.*

ITEM, Anent the expedition of the haiſtie in-bringing and getting of the taxt granted in the Parliament, for the expenſes of ane honorable Embaſſadour that ſuld paſſe for our Soveraine Lordis mariage, anent the part being in the hands of the Clergie: It is thought expedient, that the Prelates now being in this towne, ſuld make a way with the Theſaurar, and ſchaw him how the ſaid taxt ſuld be payed for the part of the ſaid Clergie, or ony of them depart off this Towne. And for the taxt of Barronnes and Temporal perſones, that ſuld be raiſed and taken of the Schireffes and Baillies, and uther officiars of the Kingis: It is adviſed be the ſaid Lordes, that the ſaidis Schireffes and Baillies, and uthers Officiares, being ſo oft-times charged be the Kingis letters, and ar now called to be here, that therefore they be now charged be Officiares of the Kingis, to be before the Chancellar, and Lordes of Councell, on Friday that nixt cummis, in *George Robieſones* Innes, to mak full compt and payment of the ſaid taxt: And in likewiſe, that all Schireffes, Proveſtes, and Baillies of Burrowes, and all uther officiares quhilks come not here, nor is preſent: That letters incontinent be written to them, chargeing them to raiſe, in-bring, and pay the ſaid taxt to ane ſchort day, or els that they be charged to enter their perſones in warde within the Caſtel of *Blackneſſe* within fifteene dayes, gif they failzie of the in-bringing and paying of the ſaid taxt, under the paines of Rebellion and putting of them to the horne, confiſcation and eſcheitting of all their proper gudes to the Kingis uſe. And becauſe the Lordes underſtandis, that there is ſome parte of letters granted be the King to Spiritual Lordes and Prelates, and als to Temporal Lordes, and to Barronnes, of diſcharge of part of the ſaid taxt, the quhilk the ſaids Lordes conſidders and underſtands, the King micht not diſcharge, ſen it was granted be the ſaid Eſtaites to the ſaid Embaſſadour, and for the cauſe foreſaid: Therefore the ſaidis letters of diſcharge to be na defaiſance to them. And that na ſik letters have ſtrength, force, nor effect. And that letters of diſcharge be maid under the privie ſeale, and ſend to the Ordinaries and Schireffes thereupon.

10. *Of the Kingis Revocation and in-bringing of his propertie of his ſervandes fees.*

ITEM, Touching the Article of the Kingis propertie, for the honorable ſuſtentation and halding of his houſe, according to his eſtaite and honour, quhilk may not be failzied, without great derogation of his Noble Eſtaite: It is conſidered be the ſaidis Lordes of Articles, that ſen all the Lordes Spiritual and Temporal, and utheris his true lieges, ſuld abone all ſingular and particular profite, deſire to prefer the Noble Eſtaite of his excellence, like as it was done in the time of his maiſt Noble Progenitoures of gud minde: Herefore it is thought expediente, neidfull and reaſonable, and als ſtatute and ordained in this preſent Parliament, That full derogation, caſſation, and annullation be maid of all giftes, donations, infeftments, few, fermes, fees, life-rentes, given be his Hieneſſe to quhatſumever perſon or perſones, ſen the day of his Coronation: Swa that all landes, rentes, cuſtomes, burrow-mailles, fermes, martes, mutton, pultrie, auarage, carriage, and uther dewties, that were in the handes of his Progenitoures and Father, quhome God aſſoilzie, the day of his deceaſe: Notwithſtanding quhatſumever aſſignation or gift be maid thereupon under the great ſeale, privie ſeale, or uthers, be alluterly caſſed and annulled: Swa that the haill profites and rentes thereof, may cum to our Soveraine Lord, to the honorable ſuſtentation of his houſe and Noble Eſtaite, as ſaid is: And quhair there is ony fees or dewties to be given to Officiares, Wardens, and utheris ſik-like, as had fee in his Fathers and Grandſchirs times, that the ſamin fees be payed to them in money, be the handes of the Receivers, and Comptrollers. And that they take na dewties of the Kingis proper landes for na aſſignation maid to them. And that all their landes, rentes. fermes abone written, remaine with the King in this kinde, quhill his age of twentie ane zeir, notwithſtanding ony gifts maid of beſoir in the contrair.

11. *For keiping of the dayes of trewes.*

AND As tuitching the obſervation and keiping of the trewes taken with the King of ENGLAND, It is thoucht profitable be the ſaidis Lordes of the Articles, that our Soveraine Lord cauſe his wardens and Lieu-tennents, that they obſerve and keepe dayes of trewes, als oft as it is neidfull, for the obſervation of the ſaid trewes, induring the time of the ſamin: Swa that his Hienes and lieges have ſik-like obſerved to them for the part of ENGLAND. And that the wardens hald their courtis, and puniſh treſpaſſours, for the gude of the cuntrie, and ſtanching of ſik treſpaſſoures.

12. *Of the Kingis Councell, and paſſing of ſignatoures.*

AND For the mair ſickernes, ſure ſupportation, and acceleration of Juſtice, it is adviſed and ſeene ſpeidfull, that the ſaid Councell now choſen in this preſent Parliament, be ſworne in the Kingis preſence and his three Eſtaites, to give his Hienes a trew and afald counſel in all maters concerning his Majeſtie and his Realme. And ſall remaine of his Councell, quhill the time of the nixt Parliament. And to be reſponſal and accuſabil to the King and his Eſtaites of their counſel. And our Soveraine Lord hes humbled his Hienes to promit and grant in Parliament to abide and remaine at their counſels, quhill the nixt Parliament, as ſaid is. And till eſchew all circumventiones and deceites, that hes bene done to the Kings Hienes be bringing of divers ſignatoures of infeftments, donationes, giftes, conductes, and remiſſiones, and uther ſik letters hurtand and tuitchand the King in his caſualitie or propertie: For the ſecluding of the ſamin, his Hieneſſe hes granted and conſented be authoritie of this preſent Parliament: That na ſik giftes, ſignatoures, remiſſiones, reſpettes, conductes, and utheris letters ſall paſſe in time to cum, without adviſe and conſent of the Lordes of the ſaid ſecreite Councell. And all ſik letters to be ſubſcrived be the King, and ſa mony of the ſaid Councell, as ſall be preſent for the time, to the number of ſex perſones at the feweſt, ſittand togidder in Councell, the Chancellar beand ane. And gif ony ſik letters be given without their conſents in utherwaies, That the ſaidis letters be of nane availe, force, nor effect, and to have na ſtrength. And that the Chancellar, Privie ſeale, and Secretar, anſwere to nane uther letters, bot ſik as beis ſubſcrived, as ſaid is, with the ſaid Lordes of Councell. And in likewiſe the King to be ruled and governed be their Counſelles in the diſpoſitions and giving of his Treaſure, ſilver veſchel, cheinzies, jowelles, and uther abuilziements, perteining to his maiſt Noble perſon, And this maner of doing to be keiped and obſerved, quhill the time of the nixt Parliament.

13. *Of Gold-ſmithes.*

AS Touching the article of Gold-ſmithes, quhilkis layis and makis fals mixture of evil mettel, corruptand the fine mettel of gold and ſilver in the deceipt of our Soveraine Lord and his lieges, that garris make and worke gold and ſilver, for the reformation and eſchewing of the ſamin: It is now adviſed and concluded, that na Gold-ſmith ſall make mixture, nor put fals layis in the ſaid mettelles. And to have knawledge of the fines of their warke, that ilk Gold-ſmith have ane ſpecial marke, ſigne and taiken, to be put in his ſaid warke, quhilk he makis. And thay ſamin warkes to be of fines of the new warkes of ſilver of *Bruges*. And that there be ane Deakon of the Craft of Gold-ſmithes, quhilk ſall examine the ſaid wark and fines thereof, and ſee that it be als gude as the ſaid wark of *Bruges*. And thereafter the ſamin Deakon to put his marke and ſigne on the ſaid wark, and to anſwer thereupon, upon his life and gudes. And as touching the warke of gold,

gold, that it be maid als fine, as it is firſt molten in preſence of the awner, like as the touch and aſſaie given to him, quhen it is firſt molten. And na war to be delivered in preſence of the Deakon: Swa that the Kingis lieges be not deceived, and that it keipe the ſaid fines, as ſaid is.

14. *Anent the ſailing of Merchands: Of Bulzieon.*

ANENT the acte of ſailing of Merchandes, quhilk hes bene maid of before, and that the ſamin acte be now in time to cum obſerved and keiped be the Merchandes, and in likewiſe anent the inbringing of Bulzieon, that the acte maid thereupon be given and keiped in ſcharpe execution. And that the Auditoures of the Checker, and all uthers in time to cum take compt of the in-bringing of Bulzieon, ſen the time of our Soveraine Lorde, like as at mair length is conteined in uther actes maid there-upon. And that the ſaid compt be taken after the quantitie of the gudes, that is cumming hame. And anent the ſailing of the ſaid Merchandes, that the Proveſt, Aldermen, and Baillies of Burrowes make diligent ſearching and ſeeking of the ſaillers in Winter, fra *Alhallow-mes*, till *Candil-mes*, and make the paines to be raiſed on the breakers thereof to the King, under the paine of ten pound to be raiſed of the Officiares, that beis negligent not puniſhand in their default.

15. *Anent cruves and fiſhzaires: Of the mid-ſtreame: The* Setterdaies *ſlop: Creilles and nettes: Read fiſh.*

ITEM, Anent cruves and fiſhzaires, quhilkis deſtroyis the fry of fiſh, and hurtis the commoun profite of the Realme: It is ordained, that the actes and ſtatutes maid of befoir, be obſerved and keiped with this addition: That letters be written to all Schirffes, Baillies and Stewardes, to deſtroy, caſt downe, and put away all the cruves within their bounds incontinent without delay. And that dittay be tane upon them, that hes cruves in the contrair the ſaid acte. And to pay for ilk cruve five pound for amerciament in the Juſtice aire, to be raiſed on the maker and up-halder of the ſamin. And in likewiſe the Schireffe that failzies, to be in amerciament of twentie pound to the King in the Juſtice aire, and to be a poynt of dittay, as ſaid is. And anent the cruves that ſtandis in freſh waters, that they ſtand not in forbidden time. And let the mid-ſtreame be alway free, be the ſpace of five fute. And that the *Setterdaies* ſlop be obſerved and keiped, as the acte and ſtatute maid be King *Davıd* requiris. And that ilk heck of the ſaid cruves be five inche wide, according to the ſamin ſtatute. And as for millers, that ſettis creilles and nettes in dammes, milne-landes, and waters, deſtroyand read fiſh, and fry of fiſh, as ſaid is, ſall be a poynt of dittay. And the paine baith of cauſer of creilles, nettes, and of the millers, ilk ane of them that dois in the contrair, to incur the unlaw of read fiſh, and to be taken of them that dois in the contrair. And that letters be written, as ſaid is, to the Schireffes, Stewardes. and Baillies, to put this act to execution, and ſee that the ſamin be obſerved and keiped, under the paine of twentie pound, to be raiſed upon the the officiares that failzies, as ſaid is. And as touching the ſlauchter of read fiſh, that it be puniſhed after the forme of the ſtatute, declairand the unlaw thereof, ten pound.

16. *Anent the free tennentes, that haldis of the Duke of* Rotheſay *and Steward of* Scotland,

ITEM, Anent the free tennentes, that haldis of the Prince, the Duke of *Rotheſay* and Steward of *Scotland*: The Lordes of the articles thinks it reaſonable, that all thay free tennentes ſall be halden to compeir and anſwere in the Parliament and juſtice aires, with their ſuites and preſentes, as effeires, ay, and quhill our Soveraine Lorde have ane Sonne, that ſuld be immediate betwixt the King and them, to anſwere for them in the ſaid Parliament and juſtce aires: And ſuit-rolles to be maid thereupon, quhilk ſall indure, quhill the Prince be borne.

17. *Of the money.*

ITEM, Anent the article of the money: It is thocht expedient be the Lords of the Articles, that there be ane trew ſubſtantious man, maiſter of the cuinzie, quhilk ſall forge money, and cuinzie to ſerve the Kingis lieges. And that cuinzie ſall be in this manner, that is for to ſay, a groate till have courſe and gang for fourteene pennies, and ten of them to wey ane ounce, and to be of the ſamin fines, as the EDWARDE groate of *England*, and that the ſaid cuinzieour ſall give & pay for the ounce of brunt ſilver, eleven ſhillinges, ſex pennies, to be given, and for *Paris* ſilver, and the ſilver warke of *Bruges* ſiklike. And as for the ſilver warke of this Realme, quhilk is brocht to the cuinzie, that is not ſa fine, the ſaid cuinzieour ſall give and deliver therefore the verry availe to the awner of the ſaid ſilver. And ſa-meikle as it is war then Paris warke, or ſilver warke of *Bruges*, to be defaulked and rebaited of the price of the ſaide ſilver. And gif the ſaid cuinzieour and the ſeller of the ſaid warke cannot agrie of the price, that there ſall be twa trewe gold-ſmiths, ſworn be their great aiths to ſee and examine the ſaid ſilver warke, and the valour thereof, and to declare quhat it is woorth ilke ounce: Of the quhilk modification and price, baith the cuinzieour, awner & ſeller of the ſaid ſilver, ſall ſtand content. And to have knawledge that the ſaid cuinzie be keiped in weicht and fines with the ſaid

EDWARD groate, this ſaid cuinzieour ſall have a ſigne and taiken maid in the prenting, haveand difference fra the firſt cunzie. And gif ony of the new groates be foundin war in weicht and fines, nor the EDWARD groate, the cuinzieour to be puniſhed therefore, and tine his life and gudes. And that to be examined and ſeene at the nixt Parliament, and ſooner gif it pleaſis the King. And becauſe it is meaned to OUR SOVERAINE LORDE, that his gold and ſilver cunzied in his Realme, is be ignorant perſones refuſed, quhen the ſaid gold or ſilver hes cracke or flaw, or be ſolded: It is ordained, that the ſaid gold and ſilver ſall be received be all his lieges: Sa that it keip all the wecht, and be gude trew mettel, ſuppoſe it be with cracke or flaw, or ſolded, as ſaid is, in all times to cum.

18, *Of undooing of Caupes in* Galloway.

ITEM, Becauſe it was meaned and complained be our Soveraine Lordis lieges dwelland in the boundes of *Galloway*, that certaine Gentlemen, heads of kin in *Galloway* hes uſed to take Caupes, of the quhilk tacke there, and exaction thereof, our SOVERAINE LORD, and his three Eſtaites knew na perfite nor reaſonable cauſe, for the quhilk his Hienes be adviſe of the laſt Parliament, aſſigned, warned and charged all the perſones that claimed or alleaged to take, raiſe, or intromet with ony ſik action of Caupes, to cum to the nixt Parliament, and there oſtend and ſchaw quhat richt they have to the taking of the ſamin. And nowe in this preſent Parliament, the ſaidis perſones making the ſaid claimes, hes bene oft times in called for the oſtenſion and ſchawing of their richt, as ſaid is, and nane hes compeired nor ſchawin na richt, nor title of richtes, to raiſe and take the ſaid Caupes. Herefore owr Soveraine Lord, willing and being of intention, to ſeclude and put away all ſik abuſiones, evill uſe and extorſiones put on his people and lieges, but reaſonable cauſe. Be authoritie of his Parliament hes ordained to be abuſed, and left the taking of the ſaid Caupes in all times to cum: And na man to take them of the Kingis lieges, under the paine to be puniſhed as for rieſe, and ay in time to cum to be a poynt of dittay in the Juſtice aire.

19. *Of Caupes in* Carrict.

ITEM, As touching the Caupes in *Carrict*, the Kingis Hieneſſe and his Eſtaites foreſaidis, thinkis expedient and concludis, that all they quhilkis claimes Caupes, be warned be open Proclamation to compeir in the nixt Parliament, bringand with them ſik evidents and richtes, as thy will uſe for the taking of the ſaid Caupes, with certification and they do not, that our Soveraine Lorde, with adviſe of his three Eſtaites will annull all ſik thing, and will ordaine all ſik Caupes to be not taken in time to cum.

20. *The proceſſe of recovering of annual-rentes.*

ALSWA It is thocht expedient be the Lordes of the Articles and Eſtaites, after the information and ſupplication maid be the Proveſt, Baillies, Councell and Communitie of *Perth*, deſiring of our Soveraine Lord, that the conſtitution and rule of the ſaid Burgh be conformed to the Kingis Lawes and conſuetude of the Burgh of *Edinburgh*, and lawe of Burgh, anent the recuperation and obteining of annual-rentes in Burgh, in default of ſolution, and payment of the annualles aucht to the Lords, awners and proprietares of the ſaid annualles: It is thocht expedient, that the Proces of the recovering of the ſaid annual at the Fourth Court, be obſerved and keiped in the Burgh of *Perth*, and uthers Burrowes in time to cum, as it is uſed in the Burgh of *Edinburgh*, according to the Law of Burgh, notwithſtanding ony uther uſe or conſuetude, that they have had in the ſaid Burgh of lang proces and delay in times by-paſt.

21. *The tennents of the Kingis propertie ſuld not be troubled.*

ITEM, Becauſe it is underſtandin to the Lordes of the articles, the heavy complaints that hes oft times bene maid to the King and his Councell be his puir tennents, maillers, and inhabitants, his proper landes in divers partes of his Realme, that they ar greatly hurte and oppreſſed be Lordes and Gentle-men in the cuntrie dwelling beſide them, quhilkis hes na tack of our Soveraine Lord of thay landes, conſtreinzies, and compellis them to do ſervice, avarage, cariage, ſcheiring, leading, labouring, ryding and travelling be their powers and authorities: And for remeid hereof, It is now ſtatute and ordained, that na Lord, Barronne, Free-halder, Gentle-man, nor uthers compell, ony of the Kingis tennents, maillers, and inhabitants of his proper landes, to do them ony maner of ſervice be coaction, or dread, under the paine to be puniſhed as oppreſſoures of the Kingis lieges. And to be a poynt of dittaie in the Juſtice aire.

22. *Our Soveraine Lordis revocation.*

ITEM, It is thocht expedient, becauſe there was ane ſtatute maid in our Soveraine Lordis Parliament, that was halden at *Edinburgh* on *Wedneſ-day*, the aucht daie of *October*, the zeir of GOD, ane thouſand, foure hundreth, foureſcoir aucht zeires, declairand all alienations of landes, heritages, lang-tackes, few-fermes, offices, tailzies, blanch-ferme landes maid of warde, to be of nane availe, after the ſecond day of *Februar* (quhilk was the day of our Soveraine Lords, that now is cumming furth of *Striviling*) unto the coronation

coronation of our Soverain, that now is, maid be our SOVERAINE LORDIS Father that now is, of gude mind, to be of na force nor effect, for certaine cauſes conteined in the ſaid acte and ſtatute: That therefore all they, quhilkis gatte pretended giftes of alienations of heritages, lang-tackes, few-fermes, offices, tailzies, blanch-ferme landes, ſulde bring their letters and evidentes granted hereupon to our Soveraine Lord, within fourtie daies to be deſtroyed, certifieing them that bringis not, the King will make them to be ſpeciallie called, and puniſhed for their inobedience.

FINIS.

THE THRID

PARLIAMENT

OF

KING JAMES THE FOURTH,

Halden the auchtenth day of Maij, the zeir of God, ane thouſand foure hundreth, ninetie ane zeires.

23. *The alliance and confederation of* France *to be confirmed.*

IT is ordained and concluded, that the alliance and confederation maid of before of auld and new, betwixt the Realmes of *Scotland* and *France*, the Kingis and Princes of the ſamin, be the adviſe, concluſion, and deliverance of the three Eſtaites be renewed, reformed, and interpreted in forme of the auld alliance, and confederation maid betuixt them and their Realmes and Lieges of befoir. And attour, to obteine and procure uthers new franchesſes and priviledges, to the honoure and profite of our Soveraine Lord, his Realme and lieges, and to the gude of Merchandes, that our Soveraine Lordis lieges uſand thay partes, have ſik freedome within the Realme of *France*, and boundes of the ſamin, like as the *Frenchmen* hes within our Soveraine Lordis Realme and boundes. And quhair the ſamin priviledges and freedomes ar not, nor hes not bene obſerved nor keiped in times bygane, to require reformation of the ſamin, according to the forme of the ſaid alliance. And commiſſions to be maid in dew forme thereupon.

24. *The forme of the Chancellarie ſuld not be altered.*

ITEM, It is ſtatute and ordained, that na brieves nor uthers letters be given to na partie, bot after the forme of the brieves of the Chancellarie uſed in all times of before. And that the forme of the Chancellarie be keiped and obſerved without innovation or eiking of new termes. And gif onie beis given uthirwaies, that they be of na force nor effect, except the brieve of ſummondes of errour.

25. *The Wardatar ſall not deſtroy the Landes: he ſuld ſuſteine the* minor.

ITEM, It is ſtatute and ordained, that quhair onie Land or landes hapenis to fall in Waird to our Soveraine Lord, or onie uther Barronne of this Realme, Spirituall or Temporal, or landes given in conjunct-feſtment, or life-rent alſweill to Burgh as to land, that the Schireſſe of the Schire or Baillies ſall take ſik-like ſoveritie of the perſon or perſones, that gettis or hes ſik wairdes, that they ſall not waiſt nor deſtroy their bigginges, Orchards, Woodes, ſtanks, parks, medowes, or dowcates, bot that they hald them in ſik-like kinde, as they are in the time, that he gettis and receivis the ſamin, he tak-and his reaſonabill ſuſtentation or uſing in neidful thinges without deſtruction or waiſtin gthereof And ane reaſonabill living to be given to the ſuſtentation of the air, after the quantitie of the heritage, gif the ſaid air hes na blanche ferme, nor few-ferme land to ſuſteine him on, alſweil of the wairdlands, that fallis in our Soveraine Lords hands, as onie uther Barronne, Spiritual, or Temporal.

26. *Of landes falland in waird or utherwaies altered, that the tennentes ſall remaine therewith, quhill the nixt* Whit-ſundaie.

ITEM, It is ſtatute and ordained, that quhen onie lands fallis in waird or quhen onie Ladie havand terce or conjunct-feftment, happenis to deceis, or quhat land be redeemed or lowſed be reverſion, gift, ſelling,

or

or wedſetting, or ony uther-waies landes happenis to be altered. The tennentes, labourers, and inhabitantes onie of the ſaid landes ſall remaine unput foorth, or removed, quhill the nixt terme of *Whit-ſunday* followand, payand to the Lord, that ſall enter to the ſaid landes the mailes, and dewties aucht and wont of the ſaid landes, quhilk bruiking ſall induce na poſſeſſion langer, then the ſaid *Whit-ſunday*.

27. *Anent finding of law-borrowes.*

ITEM, It is adviſed, ſtatute, and ordained, for the eſchewing of ſlauchter, fore-thought fellonie, and debait, that ſall happen betwixt onie perſones in time to cum, be complaint maid to our Soveraine Lord, his Chancellar, or Juſtice, that the Chancellar or Preſident beand for the time, withi adviſe of the Councel, and Juſtice, with adviſe of his aſſeſſoures, ſall put-quhat paine of ſumme of money, that they think expedient, the parties and their actiones beand conſiddered, that the partie Compleinzieand ſall be harmeles and skaithles in his perſon or gudes, but fraude or guile utherwaies then law will. And quhat Judge or Judges that takis this ſovertie, that they act the ſamin, or put in remembrance in their buik, that it may be ſchawin to our Soveraine Lord and his Councel. And ſik like paines to be put in ſlauchter, rebellion, and uther crimes.

28. *Anent man-ſlayers taken, or fugitive: And of Demembration.*

ITEM, It is ſtatute, that quhair ony man happenis to be ſlaine or demembred within the Realm, alſweil within regalitie, as within royaltie, and in Burgh, as to land: Then incontinent without delay, als haſtely, as the Schireffe or Steward, Baillie or Officiar of Regalitie can be certified thereof, outher be partie compleinzieand, or ony uther way, he ſall paſſe and perſew the ſlayers or dememberers, ane or maa, and raiſe the Kingis horne on him, and raiſe the cuntrie incontinent in ſupport, quhill he be over-tane. And gif he may be gotten, he ſall incontinent bring him to the King or his Juſtice, or els keip him in ſicker ſuretie, quhill the King be certified of him, and have anſwere, quhat he ſall do thereto be our Soveraine Lord or his Juſtice at his will, or how ſoone it pleaſeth him, notwithſtanding the fourtie daies, or the three ſunnes conteined in the auld Lawes: The partie followand beand preſent or warned to be there, gif he will perſew the action. And gif it happenis the ſaidis treſpaſſors till eſchew out of the Schireffedome unarreiſted or taken, then the Schireffe ſall write or ſend ane of his Officiars to the *S*chireffe of the nixt Schireſdome, and certifie him of ſik men that hes done ſik fellonie againſt the King, and ar fugitive fra the Lawes. And then ſall he firſt perſew him or them out-throw the Schireffedome in the ſamin maner, as the other did of before without delay. And ſwa foorth fra Schireffe to Schirffe, quhill he be over-tane, or put out of the Realme. And gif he happenis to flie in the Regalitie out of the Royaltie: the Schireffe ſall incontinent certifie the Lorde of the Regalitie, his Stewarde or Baillie, the quhilk ſall perſew the treſpaſſoures in like manner, as the Schireffe dois, as is before ſaid. And quhair ever he happenis to be over-tane, that the Schireffe, Sewarde, or Baillies of the Regalities ſall incontinent ſende him to the Schireffe or Baillie of the nixt Schireffedome, quhilk ſall receive him, and ſend him to the nixt Schireffe. And ſa foorth fra Schireffe to Schireffe, quhill he be put to the Schireffe of the *S*chire, quhair the deed was done. And there ſall juſtice be incontinent done, as is before ſaid. And gif it be fore-thought-fellonie to die therefore. And gif the ſaidis *S*chiriffes or Officiares beis foundin culpable herein, and he have the Office of heretage, he ſall tine it for three zeires. And gif he hes it for termes, to tine it for ever mair. And to abide and underly ane aſſiſe, quhidder he be culpable or not.

29. *That Juſtice aires be halden twiſe in the zeir.*

ITEM, It is ſtatute and ordained for the ſtanching of cummers, ſlauchters, riefes, thiefts, extorſions and oppreſſiones of our *S*overaine Lordis Lieges: That therefore his aires be ſet and halden twiſe in the zier, that is to ſay, anis on the corne, & anis on the graſſe: *S*a that Juſtice may be univerſally execute throw the Realme, for the punition of the ſaidis crimes. And quhair it ſall be ſeene ſpeedeful, that our *S*overaine Lord move his maiſt Noble perſon thereto. And quhair it is not neceſſare, that our *S*overaine Lords perſon move, that be adviſe of his Councel, he ſend ſik-like perſones, as ſall be ſene ſpeedefull for the time, and the countrie that they paſſe to. And that all our Soveraine Lordis lieges reddelie anſwere, riſe, and cum to them in fortifieing of juſtice, as they ſall be charged be the Juſtice, under the paine to be puniſhed as favorers of the ſaid treſpaſſoures, and airt and part thereof, and dittay to be tane thereupon, and to be a poynt of dittay in time to-cum.

30. *Of the defender nocht compeirand. The Schireffe and uther Judges ſuld execute all decreetes.*

ITEM, It is ſtatute and ordained, that quhair ony partie hes action and ſummoundes againſt uthers, and the defendour compeir not in proper perſon, or be his procuratoures, he ſall pay the coiſtes and skaithes of the partie compeirand, and ane unlaw of fourtie ſhillinges to the judge, within twentie daies after the decreet of the deliverance be given thereupon, or they be heard in judgment: And failzieand thereof,

thereof, that letters be written to the Schireff of the Schire, Steward, or Baillie in Burgh, or to land, for the execution of the ſaid decreete, and to have for his office and fees, twelve pennies of ilk pounde ſa recovered, to be taken of the partie the ſaid decreete is given againſt. And gif it happenis ony of the ſaidis Schireffes and officiares to failzie in their offices, not makand the parties to be payed, after the forme of the Kingis letters, within twentie daies, of ſik a ſumme, as beis decreeted and recovered, as ſaid is: Quhat Schireffe or ony uther Officiar that beis negligent, as is foreſaid, and makis not dew execution of the ſaidis decreetes, after the forme of the letters and decreetes, cummand to them thereupon, he that hes the office in charge, ſall tine the ſamin for three zeires, and he that hes the ſamin in life-rent, ſall tine it for ever-mair. And the coiſts and skaithes of the partie, the Schireffe or Officiar to be debtour therefore, and riſe it upon him or them, togidder with the principal ſumme that is recovered. And in likewiſe the Proveſtes and Baillies of Burrowes, to be ſecluded fra their offices for ever mair, and to be debtour and pay the ſaid ſumme with coiſtes and expenſes, as ſaid is.

31. *Of weapon-ſchawinges.*

ITEM, It is ſtatute and ordained, that ilk Schireffe, Steward, or Baillie of the Realme gar weapon-ſchawinges be maid four times in the zeir in all places convenient within his Baillierie, in this wiſe: That ilk Gentle-man, havand ten pounds woorth of land or mair, be ſufficiently harniſhed and anarmed with baſnet, ſellat, quhite-hat, gorget, or piſſane, haill legge-harnes, ſword, ſpeare and dagger: and Gentlemen havand les extent of lands or unlanded, ſall be armed at their gudlie power, after the ſight and diſcretion of the Schireffes and Baillies, and ſik perſones as our Soveraine Lord ſall depute Commiſſioners thereto, and honeſt zeamen havand ſufficient power, that likis to be men of armes, to be harniſhed ſufficientlie, after the diſcretion of the ſaidis Schireffes and Commiſſioners, and all uther zeamen of the Realme, betuixt ſextie and ſextene ſall have ſufficient bowes and ſchiewes, ſword, buckler, knife, ſpeare, or ane gude axe in ſtead of ane bow. And that all Burgeſſes and indwellers in Burrowes of the Realme, in like maner be anarmed, and harniſhed, and mak weapon-ſchawinges, as ſaid is, foure times in the zeir. And that the Aldermen and Baillies be corrected be the Chalmerlane or his deputes, for the execution of the ſaid thinges. And that all men of the Realme baith to Burgh and to Lande, Spiritual mennis ſervandes, and Temporal, be weill purvaied of the ſaide harnes and weapones be the feaſte of *Midſommer* nixt to cum, quhilk ſall be the day of weapon-ſchawinges, under the paines followand, that is to ſay, of ilk Gentle-man that defaults at the firſt weapon-ſchawinges, fourtie ſhillinges, and at the ſecond default, uther fourtie, and at the thrid default, ten pound. And alſmeikle als oft-times as he defaultis thereafter. And of ilk bow-man at the firſt fault ten ſhillinges, at the ſecond ten ſhillinges, and at the thrid, fourtie ſhillinges. And ſa foorth als oft-times as he beis foundin faltiſe thereafter, fourtie ſhillinges. And after the facultie of their landes and gudes, that everie man be furniſhed & harniſhed in his bodie with quhit harnes brigantines, or gud jacks, with ſplentes and glooves of plait and weill horſed correſpondand to their lands and gudes, be the diſcretion of the Schireffe, Commiſſioner or Officiar foreſaid.

32. *Fute-ball and Golfe forbidden.*

ITEM, It is ſtatute and ordained that in na place of the Realme there be uſed fute-ball, golfe, or uther ſik unprofitable ſportes, for the commoun gude of the Realme and defenſe thereof. And that bowes and ſchutting be hanted, and bow-markes maid therefore ordained in ilk parochin, under the paine of fourtie ſhillinges to be raiſed be the Schireffe and Baillies foreſaid. And of ilk Parochin ilk zeir, quhair it beis foundin, that bow-markes beis not maid, nor ſchutting hanted, as is before ſaid.

33. *Of mettes, meaſures and wechtes.*

ITEM, It is ſtatute and ordained, for the commoun gude of the Realme, honour and profite of our Soveraine Lordis Lieges, that the auld ſtatutes and ordinances maid of befoir, baith to Burgh and to Land, alſweill of mettes and meaſures, cuſtomes and uthers, be obſerved and keiped, after the tenour and forme of the actes and ſtatutes maid thereupon, and under the paines conteined in the ſamin. And that the Chalmerlanes provide, that this be obſerved and keiped, and ſpecially of weichtes, alſweill of wax and ſpice, and ſextene ounce of the pound.

34. *Of convocation and gaddering in Burrowes.*

ITEM, It is ſtatute and ordained, that within all Burrowes throw-out the Realme, na leagues nor bandes be maid, nor zit convocation, nor riſing of commouns in hindring of the commoun Law, bot at the command of their head Officiares: And gif ony dois in the contrair, and knawledge or taint may be gotten thereof, their gudes to be confiſcat to the King, and their lives to be at the Kingis will. And that na man dwelland within the Burgh be foundin in man-rent, nor ride in na rowt in fear of weir with na man, bot with the King or his Officiares, or ſiklike, under the ſamin paine. And als that na indweller within Burgh purchaſe ony out-Lordſhip, or Maiſterſhip to landwart, to rowt nor ride, to pley at bar, or ony

uther way in the oppreſſion of his Nichtbour, bot ſoberly Nichtbour to Nichtbour, under the ſame paine. And that every man dwelland within Burgh, anſwere and obey to the Officiares of the ſamin, as ſaid is, quhen, and in quhat wiſe they ſall be charged be the ſaidis Officiares, in defenſe of the Realme and Lieges, and for the commoun gude and welfare of the Burgh, in the adminiſtration of Juſtice and Law, under the paine foreſaid. And that the Juſtice Clerke zeirly, in the taking of the dittay, inquire upon the ſaid poyntes, and the breakers thereof to be puniſhed be the Juſtice as uther crimes, after the forme of the ſaid act.

35. *The defender in the ſummoundes of errrour, ſuld be warned with certification: The perſewer nocht perſeuand may be unlawed.*

ITEM, It is ſtatute and ordained, anent the brieſe of ſummoundes of errour, and for the declaration of the ſamin, that quhat perſon obteined ſummoundes of errour upon a judge of inqueſt, or perſones that paſt thereupon: that the partie be called for his intereſt to compeir to an certaine day, with certification, that quhidder they compeir or not, the Lordes will proceede after the forme of the ſummoundes, and do Juſtice to the partie, not abidand the ſecond nor thrid ſummoundes, declaring that all perſones that paſſis upon ſik inqueſts compeir perſonally: Becauſe it may depend upon their infamies. And quhair ony perſon callis uther at his inſtance, and compeiris not to follow his partie, he ſall pay the expenſes of his partie, and ane unlaw of fourtie ſhillinges to the Lordes, alſweill in ſummoundes of errour, as in uther ſummoundes, or he be heard in judgement, to follow his partie thereafter, and to abide the decreete to be given thereupon.

36. *How the commoun gude of Burrowes ſuld be ſpended and ſet till uthers.*

ITEM, It is ſtatute and ordained anent the commoun gude of all our Soveraine Lordis Burrowes within the Realme, that the ſaid commoun gude be obſerved and keiped to the commoun profite of the Towne, and to be ſpended in commoun and neceſſarie thinges of the Burgh, be the adviſe and Councell of the Towne for the time, and Deakons of Craftes quhair they are. And inquiſition zeirly to be taken in the Chalmerlane aire of expenſes and diſpoſition of the ſamin. And attour, that the rentes of the Burrowes, as landes, fiſhinges, fermes, mailles, milnes, and waters, zeirly revenues be not ſet, bot for three zeires allanerly. And gif ony happenis to be ſet utherwaies, that they be of nane availe, force nor effect in time to cum.

37. *Of refuſing of gold that is cracked.*

ITEM, It is ſtatute and ordained, that becauſe it was ſtatute in the laſt Parliament: That all gold that held wecht and fines ſulde be tane in payment, and notwithſtanding the ſtatute foreſaid, they refuſe to take gold that is cracked: That therefore it is ſtatute and ordained, that all ſik gold be taken without refuſe, and quha ſa dois in the contrair, ſall tine the availe of the penny be him refuſed, in this wiſe: That quhair the ſaid gold beis given for debtes, the refuſer ſall tine the penny be him refuſed, and that ſall be ane ſufficient acquittance to the profferer of the ſaid debt. And gif it be given for gudes to be bocht, the refuſer ſall tine the availe of the penny, that he refuſed for the ſaid gudes.

FINIS.

THE

THE FOURTH PARLIAMENT OF KING JAMES THE FOURTH.

Halden at Edinburgh, *the twentie ſext day of June, the zeire of God, ane thouſand, foure hundreth, ninetie three zeires.*

38. *That benefices of auld, uſed to be diſponed within the Realme, be diſponed within the ſamin.*

ITEM, Anent the benefices Religious and Secular, quhilkis paſſis now to the court of *Rome*, and were diſponed in the Realme be elections, and utherwaies, in the time of King *James* the Firſt, of maiſt Noble minde: That all Prelacies, Abbacies, Priories, and uther benefices remaine and be diſponed in all times to cum, within the Realm, lik as they were in the time of the ſaid King *James* the Firſt. And that na perſones attempt to doe in the contrair, under the paine of proſcription and baniſhing, and never to bruik honour, dignities nor benefices within the Realme of *Scotland*.

39. *Of taxation of Benefices to be maid after the auld taxation.*

ITEM, Becauſe there is ane notable act maid be our Soveraine Lordis Father, quhom God aſſoilzie, that nane of his Lieges of his Realme, Spiritual nor Temporal, make, nor cauſe to be maid higher taxation of Prelacies, Abbacies, or uther benefices quhatſumever, at the getting of promotions and contentions for promotions in the court of *Rome*, bot after the auld taxation, as is conteined in the buike of *Bagimontis* taxt, and na higher: Therefore conformand to the ſaid acte: It is ſtatute and ordained in this preſent Parliament, that gif ony Spiritual perſon labouris or attempts in the contrair of this acte, they beand knawin to our Soveraine Lord and his Councell, that perſon Spiritual, ſall be unable to bruik that benefice, or ony uther within the Realme of *Scotland*, and not to be diſpenſed with the bruiking of benefices: And Temporal men that dois in the contrair, to tine their life and gudes.

40. *The trouble of the money and it be cracked.*

ITEM, Anent the trouble and debait, that is amangſt our Soveraine Lordis Lieges, of the refuſing of the money, for the crackes and flawes being in the gold, or the ſilver, quhilk is ſufficient of fines, and of our Soveraine Lordis prent, and for the diverſitie of divers cuinzies of ſilver, ſtricken be diverſe cuinzieours, the ſaid ſilver and groates beand ſufficient of fines, bearand prent of our Soveraine Lordis ſtraik: IT IS be the adviſe of the Lordes of the articles charged and commanded be our Soveraine Lorde, and the Eſtaites of the Parliament, that all the Kingis Lieges of his Realme, but impediment receive and take the ſaid money, gold and ſilver, as ſaid is, for ony merchandice or victualles, or uther thing being to ſell: Notwithſtanding the diverſitie of prentes of the ſtraike of ſindrie cuinzieoures, alſweill the ſtraike of *Gilbert Fiſh*, quhilk the commoun people callis *Berwick*-groates, as of umquhile *Levingtoun*, and *John Currour*: And gif ony perſon or perſones refuſis the ſamin, contrair the ſtatutes maid thereupon, in the laſt Parliament: The haver of the ſaid money, ſall cum to the Officiares or Baillies of the Towne, and ſchaw the ſaid money, quhilk beand gud and ſufficient, the ſaid Officiares ſall gar him have the merchandice or penny-woorthes fra the perſon, that refuſis the ſaid money: And ſa-meikle of gude money as he refuſis, the ſeller ſall tine to be the Kingis eſcheit, and deliver the penny-woorthes to the byer: And gif the money that was offered, gold or ſilver be falſe cuinzie and evil ſtuffe, ſene and underſtandin be the Officiares of the Towne, be the adviſe of the men, havand knawledge of the money, the ſaidis Officiares ſall clip and breake the ſaid falſe money and cuinzie of evil ſtuffe, gold and ſilver: Swa that it make na mair trouble nor diſ-friendſhip amangſt the Kings lieges. and deliver the ſamin clipped money againe to the awner.

41. *That ſtrangers merchandes, that cummis with Schippes, cum to the principal Towne: They ſuld pay cuſtome, and carry na money away.*

ITEM, It is adviſed be the Lordes of the Artickles, that for the defraud done to our Soveraine Lorde in his cuſtomes be ſtrangers, and alienares of uther Realmes, quhilkis cummis to this Realme, and takis

their ludging and Innes in the Towne of *Leith*, and at uther Portes of the Realme, and chargis their gudes to the Sea, and uthers their merchandice, not payand their cuſtomes and dewties to our Soveraine Lord, in that wiſe, that their gudes ar un-entred, as effeiris, nor their Merchandice ſchawen to the cuſtomers, and Clerkes of the Cocquet: It is ſtatute and ordained, that in time to cum, quhen ony Schip of alienares, or ſtrangers of uther Realmes, cummis to the Haven of *Leith*, or ony uther Porte within the Realme: The maiſter or merchandes of the ſaide Schip ſall take his ludging and Innes in the principal Towne of the ſaid Porte, and enter their gudes, as effeiris. And to charge na gudes nor Merchandice to the Sea, quhill it be ſeene be the cuſtomers and Clerks of the Cockquet, quhat gudes and Merchandice they ſend to the Sea, and the cuſtomes and dewties payed therefore: And the hoaſt of the Innes quhair the ſaid ſtrangers ar ludged, ſall anſwere to the King for their cuſtomes and dewties, gif the ſaid ſtrangers paſſis away un-cuſtomed: And the ſaid hoaſt ſall give compt to the Kingis Officiares and cuſtomers, quhat gudes he hes foorth, effeiring to the quantitie of the gudes that he entered: Sa that it ſall be clearly underſtandin, that he have away merchandice, and na money. And gif ony beis foundin breaking this ſtatute, takand the money away, all the ſaid money and his uther gudes, ſall be the Burgeſſes eſcheit. And that the Kingis Hieneſſe depute ſearchoures thereto, quhilkis ſall ſearche the ſamin, as they will ſtand therefore to his Hieneſſe, and his Eſtaites.

42. *That na Cordoner, nor uther Crafteſ-man, take na cuſtomes of uther.*

ITEM, It is thocht expedient, becauſe it is clearly underſtandin, that the Crafteſ-men of Burrowes, ſik as Cordoners and uthers, takis of men of the ſamin Craft, cummand to the mercat on *Mononday*, a penny of ilk man, quhilk is the cauſe of dearth, and exalting of their penny-worthes, ſik as ſchoone was woont to be ſauld for twelfe pennies, or better cheape, and uther Merchandice, that is exalted for a penny, to ſex, or aucht pennies, quhilk is great skaith to the commoun profit: That therefore na maner of Crafteſ-man, nor Cordoner, take ony maner of taxation, penny, nor uther, then was woont to be taken of the auld Lawe. And quha ſa dois in the contrair, ſall be repute as ane oppreſſour of the Kingis Lieges, and to be indicted therefore: And the Clerk of the Juſtice aire, to take dittay there-upon. Sa that he that is breaker thereof, ſall bye his life therefore, as for commoun oppreſſion.

43. *Putting downe of Deakons of Craftes, and that na Maiſones nor Wrichtes take payment for Halie-daies.*

ITEM, Becauſe it is clearly underſtandin to the Kingis Hieneſſe, and his three Eſtaites, that the uſing of Deakons of men of Crafte in Burrowes is richt dangerous, and as they uſe the ſamin, may be the cauſe of great trouble in Burrowes, and convocation and riſing of the Kingis Lieges, be ſtatutes making, contrair the commoun profite, and for their ſingular profite and availe, quhilk ſervis great punition, and als belangand Maiſons & uther men of Craft, that conveenis togidder, and makis rule of their Craft, ſik as Maiſons, and Wrichtes, and uthers, that they ſall have their fee alſweill on the Halie-day, as for the wark-day, or elſe they ſall not woorke: And als that quhat perſon of them, that wauld begin ane uther mannis warke, and he at his pleaſure will leave the ſaid warke, and then nane of the ſaid Craft dare not compleit, nor fulfill the ſamin warke: It is herefore adviſed, ſtatute and ordained, that all ſik Deakons ſall ceaſe for ane zeir, and have nane uther power, bot allanerly to examine the fines of the ſtuffe and warke, that beis wrocht, with the remanent of his Craft: And als belangand Maiſons, Wrichtes, and uther men of Craft, that ſtatutis, that they ſall have fee alſweill for the halie-daie, as for the wark-day: That all the makers and uſers of the ſaid ſtatutes, ſall be indicted, as commoun oppreſſours of the Kings Lieges be their ſtatutes. And that the Clerke of the Juſticiarie, ſall take dittay thereupon, and they to be puniſhed as oppreſſoures: And in likewiſe, of the makers of the ſtatutes, that quhair ony beginnis ane mannis warke, ane uther ſall not ende it: That all the makers and uſers thereof, ſall be puniſhed as oppreſſoures of the Kingis Lieges, and dittay to be taken thereupon, as is abone written.

44. *Anent the taking of multure of flowre, that cummis furth of uther landes.*

ITEM, Anent the complaint maid upon the taking of multure of the flowre, that cummis furth of uther landes to the Porte and Haven of *Leith*: It is thocht expedient, adviſed, and ordained, that all ſik ſtatutes ſall ceaſe unto the nixt Parliament: And that there be na multure taken for ſik flowre in times to cum, nor of the flowre that cummis to the mercat, bot that it may cum to the mercat, and be ſauld with multure, or ony uther new taxation, that was uſed to be taken of befoir: And that all men be free to bring and ſell victual, all the daies of the oulke, alſweill as on the mercat-day: And this acte to be obſerved and keiped in all Burrowes of the Realme.

45. *That the Juſtice-Clerke take foorth all the ſtatutes, that hes paine of dittay.*

ITEM, Becauſe there is mony diverſe ſtatutes, quhilkis hes in the end of them the paine of dittay, and hes not bene in time by-gane clearely ſpeared at the indictmentes taking, as they ſulde have bene, throw the quhilk diverſe perſones, that hes broken the ſaid ſtatutes, hes not bene puniſhed: IT IS adviſed, ſtatute,

ſtatute, and ordained, that the Clerke of the Juſticiarie, take foorth of the Kingis ſtatutes, all thay ſtatutes, that hes paine of dittay in the ende, and make the ſamin to be inquired at the dittay taking upon everie poynt: Swa that the treſpaſſoures and breakers of the ſtatutes, may be puniſhed in everie Schire, according to Juſtice: And to the effect of the ſamin ſtatutes broken. And this to be done incontinent, or the Proclamation of ony Juſtice aires.

46. *That na Cuſtomers take na mair taxation then is ſtatute: Of falſe weichtes.*

ITEM, It is ſtatute and ordained, that na Cuſtomers within Burgh take na mair taxations, cuſtomes, or dewties, then is ſtatute and uſed in the auld Law: And quha that dois in the contrair, to be puniſhed as an oppreſſour and breaker of the Kingis Law, and dittay to be tane thereof.

47. *Falſe meaſures.*

AND In likewiſe, they that uſis falſe meaſures and weichtes, deceivand the people, to be indicted as falſares. And dittay to be taken thereof be the Juſtice Clerke.

48. *Of Mure-burne.*

ITEM, Becauſe it hes bene ſtatute of before, that ſetters of Mure-burne ſuld pay ane unlaw to the King, and becauſe it is clearly underſtandin, that the puir bodies that dwellis in maillinges, and ar bot ſervandes to their maiſters, that awe the maillinges, and dois it for their command: THAT Therefore it is ſtatute and ordained, that he that awe the mailling, be reaſon that he commanded that to be done in forbidden time, ſall pay ane unlaw to the King of fourtie ſhillinges. And dittay to be taken upon them baith thereupon, and the perſones that dois the ſamin, to pay ane uther unlaw.

49. *Anent the making of Shippes and Buſches, in the quhilk all idle men ſuld labour.*

ITEM, Anent the greate innumerable riches, that is tinte in fault of Schippes and Buſches to be diſponed for fiſhing, ſik-like as utheris Realmes hes, that ar marchand with the Sea, and for the policie and conqueſt, that may be had here-intill, and to cauſe idle men, Vavengeours to labour for their living, for the eſchewing of vices and idleneſſe, and for the commoun profite and univerſall weill of the Realme: IT IS thocht expedient be the Lordes of Articles, and als ſtatute and ordained in this preſent Parliament, that there be Schippes and Buſches maid in all Burrowes and Townes within the Realme, and that the leaſte of the ſaid Schippes and Buſches be of twentie tun. And that the Townes and Burrowes have the ſaid Schippes and Buſches, according to the ſubſtance of ilk Town, and to the number as after followis, weill abuilzied with all neceſſarie graith for the ſaid Schippes and Buſches, and with marriners, nettes, and uther graith convenient for their taking of great fiſh and ſmall. And all the ſaid Schippes and Buſches to be reddie maid and furniſhed to pas to fiſhing be *Faſtrenſ-even* nixt-to-cum. And in ilk Burgh of the Royalitie, that the Officiares of the Burgh make all the ſtarke idle-men within their boundes to paſſe with the ſaid Schippes for their wages. And gif the ſaide idle-men refuſis to paſſe, that they baniſh them the Burgh. And into Burgh of Barronnes, quhilk ar neare upon the Sea, that the *S*chireffe of the *S*chire compell the idle-men within his boundes to paſſe to the ſaid Schippes for their wages. And gif they refuſe, in likewiſe to baniſh them his Schire. And gif the officiares of the *B*urrowes, or Schireffes of the *S*chires beis foundin negligent, outher in the putting foorth of the ſaid *S*chippes and *B*uſches, or compelling the ſaid idle-men to paſſe in them for their wages, or baniſhing of them off their Burrowes or Schires: Gif they refuſe, as ſaid is, they ſall pay to the King an unlaw of twentie pound ilk ane of them, that is to ſay, the officiar of the Burgh for the time, and the Schireffe of the Schire. For the quhilk they ſall be charged in the Checker, and give compt thereupon.

50. *Of giftes and alienations maid be our Soveraine Lordis Father.*

ITEM, It is ſtatute, concluded, and ordained in this preſent Parliament be the haill three Eſtaites: That becauſe they have adviſed, conſiddered, and underſtandin, that our Soveraine Lord that laſt deceaſed, quhom GOD aſſoilzie, beand the time commoved and diſpleaſed, throw evil counſel that was about him, in the time a little before his deceaſe, annalied, and put awaie baith of his awin lands and poſſeſſions, perteining to his Hieneſſe in propertie, and als againſt juſtice and gude conſcience, received and tooke reſignations of divers landes, and gave infeſtmentes in exheredation and diſheriſhing of richteous aires, be the ſolliſtation and perſwaſion of the evil counſel that was about him, as ſaid is, without ony reaſonable cauſe, to the diſpleaſure of God, contrair juſtice, and to the hurte of the ſaule: THAT Therefore all the ſaidis donations, and infeftmentes, maid and given be him, fra the ſecond day of *September*, in the zeir of God, ane thouſand, foure hundreth, foure-ſcoir ſeven zeires, to the day of his deceaſe, ſall be of nane availe, force, nor effect in time to cum, bot that our Soveraine Lordis Hieneſſe, that now is, ſall be reſtored and re-integrat to all landes, rentes, poſſeſſiones, that was be ony maner of way annalied, and given be his Father, to quhat-

ſum-ever perſones within the ſaid time. And in likewiſe, that all reſignations received bee him, and infeſtmentes, that he gave, to the exheredation and diſheriſhing and putting of ony lands and poſſeſſiones fra the richteous aires, ſall be of nane availe, force, nor effect, in time to cum: Bot that our Soveraine Lord, and all uthers perſones, that was hurte within the ſaid time, ſall be, and is be vertew of this acte reſtored *in integrum*, to all richtes, as they were of before the ſaid daie. And caſſis and annullis all donations, gifts and infeſtmentes, maid after the reſignationswithin the ſaid time, and decernis them to be of nane availe, force, nor effect in judgemente, nor without in time to cum.

51. *That aires may revoke at their lauchfull age, and of our Soveraine Lordis Revocation.*

ITEM, Sen it is leaved and permitted be the conſtitutions and ordinances of lawes civil and Cannon, that perſons conſtitute in zouthead and tender age, quhilkis ar greatly damnaged and skaithed in their heritages, be imprudent alienations, donations, venditions, and permutations of the ſamin, may at their perfection of age make revocation, and reduction of thinges done prejudicial to them in their minorities and tender age.

THE KINGIS REVOCATION.

HEREFORE We JAMES be the Grace of God King of *Scottes*, clearly underſtanding that part of alienations, donations, and giftes of our heritages of our Realme, was maid be our Progenitoures of gude memorie, quhom God aſſoilzie: And part in likewiſe be us in our zouthead and unperfite age, in hurte and prejudice of the Crowne of *Scotland*: And in likewiſe, that in the time of our Coronation & taking of the Scepter of our Realme, We promitted and ſwore upon the haly Evangelles of our Lord JESUS our Saviour, that we ſuld obſerve and keip the richt, honour, preheminence, and priviledges in lands, rentes, poſſeſſiones, dewties, and uther thinges thereto perteining, as is mair expreſly ſchawin in the Law of halie Kirke: And als ſen it is ſene richt profitable to the Eſtaites of our Realme, that we have landes, Lordſhipps, and poſſeſſiones, to the honourable ſuſtentation and up-halding of our dignitie royal: And als that we have power, facultie, and ſubſtance, to the defence of our lieges and Realme, quhilkis lyis on dry Bordoures to *England*, that hes bene our enemies of auld: And for thir conſiderations and uthers in the time of this our preſent Parliament, be the adviſe and Councel of the Eſtaites being in the ſamin:

The Kingis annexed propertie. WE Revoke, reducis, caſſis, and annullis, all infeftmentes, donations, alienations, and diſpoſitiones be ony manner of way, in fee or frank-tenement of the lands, Lordſhippes, cuſtomes, annualles, fiſhinges, and burrow-mailes annexed to the Crowne, or ony parte of them, alſwell given be our Father, as be us to ony perſon or perſones to be reduced again to us, and our Crowne, be vertew of the act and ſtatute maid of the annexationes, and after the forme of the ſamin.

The principalitie. Alſwa, we revoke in likewiſe all alienations maid of ony heritage annexed to the Prince, ſecond perſon of the Realme.

The propritie and officiars thereof. ITEM, In likewiſe, we revoke, caſſis and annullis all donations, alienations, few-fermes, and giftes quhat-ſum-ever in life-rent, or uther-waies, maid in our none-age of the landes, cuſtomes, or annualrentes, or ony uther revenues, that our Father had in his poſſeſſion, the time of his deceaſe, giftes of offices for termes, as Chalmerlanrie, Baillierie, cuſtomary, or Clerk of Cockquet, maid for maa zeiris, bot fra the ta checker, to the compt be maid in the nixt Checker following, with aſſedation, and tackes maid of our landes for lang termes.

Tailzie. IN Likewiſe we revoke, & caſſis all tailzies maid fra the aires general, to the aires mail of ony landes in our Realme,

Poſſeſſions perteining to the King or his predeceſſors. ITEM, We revoke all pretended entreſſe, ſaiſinges, and poſſeſſiones obteined and uſed be ony perſon of our Realme, of the landes, Lord-ſhippes, or poſſeſſiones, that were in our Grand-ſchirs, or in our Fathers handes, and obteined and taken out of our Fathers handes, or our awin handes: Our Father or our ſelfe being within age, quhilkis micht not be perſewed, quhill our compleit age, be ſtrength of acte of Parliament maid thereupon.

Blanch-fermes. AND Attour, we revoke all new infeftmentes of landes given in blanch-ferme, that were halden of us in waird and relieſe of before.

Regalities. Mair-attour, we revoke all Regalities, or confirmation of Regalitie, that had na poſſeſſion of Regalitie of auld, and all offices given be us in heritage, or be our Father, ſen the actes and ſtatutes maid, that na Regalitie nor office ſuld be given in heritage, without adviſe and deliberation of the haill Parliament.

Baſtardrie. ITEM, We revoke all alienations maid of ony heritage in our none-age, that were lauchfully cummin in our handes be baſtardrie, or ony uther waies ſik-like, and life-rentes given be us in our minoritie, and none-age, as ſaid is.

Unions of Barronnies. Service of courtes. ITEM, We revoke all the new creations of landes in Barronnies, and annexations, and unions of divers landes into a fee, in prejudice of our dew ſervice aucht to us, and our Progenitoures of before. And in likewiſe, the diſcharges of ſervice and ſuits of courts, aucht of auld to our Progenitoures.

ITEM,

ITEM, We revoke all new infeftmentes, given of creationes of Barronnies, in the Landes and Lordſhippes annexed to the Crowne. *Unions of Barronnies of annexed landes.*

ITEM, We revoke, reducis, caſſis, and annullis all giftes of Patronages and advocations of Kirkes and benefices, that perteinis to the Crown. *Advocation of Kirks.*

ITEM, We revoke and caſſis all thinges, that the commoun Lawe leavis us to revoke and reduce.

AND Generally, we revoke, reducis, caſſis, and annullis, all & quhatſumever thinges done in detriment and harme of our ſaule and conſcience, hurting of the priviledge and freedome of our Crowne, prejudicial, and in damnage of our heritage, to us, our aires, or Succeſſoures, with this addition and proteſtation: THAT Suppoſe wee of our favoures and benevolence, ſuffer ony perſon or perſones, to uſe or poſſede ony priviledge or poſſeſſion, to the uſers and halders of the ſamin, bot it ſall be leiffull to us to put our handes thereto, quhen ever it ſall pleaſe us but ony contradiction, be vertew and ſtrength of this our Revocation. *Revocation generall. The Kings tolerance or lang patience, prejudgis not his revocation.*

ITEM, Wee revoke in maner foreſaide, all confirmations given, quhair the haill landes, or the mair part of them were annalied of before the giving of the ſaid confirmation, and the ſamin obteined under colour, we not knawing the alienations, that the ſaid landes were fallen to us, be reaſon of alienation, as fore-faltour. *Confirmations.*

Vicesimo Sexto Junij, *Anno Domini* 1493. *Indictione Pontificatus*, Alexandri Papæ *ſexti Anno Primo, dictus ſupremus Dominus noſter Rex in Prætorio de* Edinburgh, *&c. Conceſſit, quod terræ datæ Comiti de* Both-well & Johanni Ros *militi, non caderent ſub revocatione antedicta.*

52. *Of the binde of Salmond.*

ITEM, It is ſtatute and ordained, that the auld ſtatute maid anent the barrelling of Salmonde of the auld binde of *Aberdene* be obſerved and keiped, after the forme of the ſame, with this addition: That quhair any Cowper or Craftes-man makis ony Barrelles of les binde, then the ſaid auld binde, and beis convict thereof, ſall pay ten ſhillinges for ane unlaw, and dittay to be tane thereupon.

ITEM, That the act and ſtatute maid of before, anent the Schippes, and making of fiſh at the Weſt coaſt, be obſerved and keiped in all thing after the forme of the ſaid act.

FINIS.

THE FIFTH

PARLIAMENT

OF

KING JAMES THE FOURTH.

Halden at Edinburgh, *the threttenth daye of June, the zeire of God, ane thouſand, foure hundreth, ninetie foure zeires.*

53. *That na perſones paſſe foorth of the Realme to purchaſe ony benefices without leave of our Soveraine Lord.*

ITEM, It is ſtatute and ordained, for the weill and honour of our Soveraine Lord, the commoun gude and profite univerſal of his Realme and lieges, and for the eſchewing of innumerable skaith and damnage, that his Hieneſſe, Realme, and Lieges dailie incurris and ſuſteinis, throw the exorbitant coaſtes and expenſes daily done be Kirke-men, upon the impetration and purchaſing at the court of *Rome* benefices elective, and divers uthers that micht be given and provided within the Realme, contrair the actes of Parliament maid thereupon, and contrair divers faculties and priviledges, that our Soveraine Lord and his Progenitoures, of gude mind, hes had, and hes of the Kirk of *Rome*, and als in purchaſing and in-bringing of Novelties, and Innovations in the Kirk, without the adviſement of our Soveraine Lord, in utter heirſhip and deſtituting of the Realme of all money, and putting of our Soveraine Lord and divers uthers Patrons fra their poſſeſſion and uſe of their ſaidis faculties, priviledges, and richtes of diſpoſition

of

of benefices: THAT For the remied hereof in time to cum, that nane of our Soveraine Lordis Lieges, Spiritual nor Temporal, paſſe foorth of his Realme, unto the time the Spiritual perſones intimate the cauſe of their paſſage to their Ordinares, and that baith Spiritual and Temporal, cum to his Hieneſſe, or his Chancellar, and ſchaw the cauſe of their paſſage: That they may have licence of him, and get their teſtimonialles thereupon. And that they do, nor attempt to doe nathing utherwaies, then is conteined in their ſaid licence, contrair the commoun profite of the Realme, actes and ſtatutes maid thereupon. And that they ſchaw and warne, quhairin they make finance, and with quhat perſon, that it may be underſtandin, that they have na money foorth of the Realme: And quha ſa dois contrair the premiſſes, till in-cur the paines of proſcription, rebellion, baniſhing, and putting of them to our Soveraine Lordis horne, and never to bruik nor uſe worſhip within his Realme, bot to be demained as traitour and traitoures, and their benefices, gif they ony have, to be vacant, at the diſpoſition of their Ordinares; but gif they be laick Patronages, and then the patrone ſall diſpone thereupon. And all uther actes maid upon this mater of before, conteinand ony reſtriction for the commoun profite, to be never-theles obſerved and keiped.

54. *That all Barronnes and Free-halders, that ar of ſubſtance, put their eldeſt Sonnes and aires to the ſchules.*

ITEM, It is ſtatute and ordained throw all the Realme, that all Barronnes and Free-halders, that ar of ſubſtance, put their eldeſt Sonnes and aires to the ſchules, fra they be ſex or nine zeires of age, and till remaine at the *Grammar*-ſchules, quhill they be competentlie founded, and have perfite *Latine*. And thereafter to remaine three zeirs at the Schules of Art and jure, ſwa that they may have knawledge and underſtanding of the Lawes: Throw the quhilks juſtice may remaine univerſally throw all the Realme: Swa that they that ar Schireffes or Judges Ordinares, under the Kingis Hieneſſe, may have knawledge to doe Juſtice, that the puir people ſulde have na neede to ſeek our Soveraine Lordis principal Auditour, for ilk ſmall injurie: And quhat Barronne or Free-halder of ſubſtance, that haldis not his Sonne at the ſchules, as ſaid is, havand na lauchfull eſſoinzie, bot failzies herein, fra knawledge may be gotten thereof, he ſall pay to the King, the ſumme of twentie pound.

55. *Of the money and bulzieon.*

ITEM, It is ſtatute and ordained, that our Soveraine Lord, with adviſe of his Councell, ordaine and ſtatute ane famous and wiſe man, that is expert, and underſtandis the maner and faſhion of cuinzies, to be maiſter of the money, and anent the ſtriking thereof, the fines, and the cours, and anent the inbringing of builzieon, and ſearching to be maid of the ſamin, and of the out-paſſing thereof off the Realme: That the ſtatutes and actes maid thereupon of before be keiped: And that this maiſter of money and ſearchoures, have upon them the charge of cauſing and ſoliſting of the ſaidis acts, to be put to execution. And gif they be noted of in-diligence or ſleuth therein, that they be puniſhed be the Kingis gude grace, and his Lordes of Councel, according to their treſpaſſe, and to be deprived of their Offices, and uthers put in their places. And that the Cuſtomers of Burrowes, make compt at this preſent Checker, and in all times to cum, and of the in-bringing of bulzieon, according to the quantitie of their merchandice, paſt furth of the Realme, after the forme of the ſaide acte. And that the maiſter of the money, and cuinzieoures under him, pay to the merchandes for the ſaid bulzieon, or to ony uther perſones, that will ſell them fine ſtuffe to cuinzie, the prices conteined in the ſaid actes, and na leſſe, under the paine of priſoning of their perſons, and deprivation of their offices.

56. *Of the price, gudnes, and fines of victualles, and all uther maner of ſtuffe wrocht.*

ITEM, It is ſtatute and ordained, for the remeid of the great hurte and oppreſſion done to our Soverain Lords lieges, throw diſ-proportion of prices maid be Craftes-men, and warke-men, upon all maner of ſtuffe, that they woork, and ſellis, far exceedand the price of the ſtuffe, they bye: That therefore all Barronnes, Proveſtes and Baillies of Burrowes, and uthers, that hes the rule and direction of throch-faires, and hoſtellares, throw all the Realme, make diligent inquiſition, and take knawledge of the price of victualles, and all uther ſtuffe, wrocht be ony maner of work-man, according to the price of the ſaide victualles and ſtuffe: That they ſet and ordaine certaine price, gudnes, and fines upon bread, aile, and all uther neceſſarie thinges that is wrocht, and dailie bocht, and uſed be the Kingis lieges. And that they make certaine prievars and examinatoures, to waite dailie upon the keiping thereof. And quhair ony warke-man beis noted, tak- and exorbitant prices for his ſtuffe, abone the price, and over-far diſ-proportionate of the ſtuffe he byes, that he be puniſhed be the ſaidis Barronnes, Proveſtes, and Baillies, and uthers havand the direction and rule of the ſaide throch faires, and hoſtellares, be the taking of ane unlaw of the courte, that he is under, for the firſt time. And ane unlaw, and eſcheiting of the ſtuffe, that beis exorbitantly ſauld, the ſecond time. And the thrid time depriving and ſuſpending of them fra their Craft, and eſcheitting of the ſaid ſtuffe, ſauld over-deare, as ſaid is.

57. *That*

57. *That all ſummoundes of errour be raiſed and perſewed within the ſpace of three zeires.*

ITEM, It is ſtatute and ordained, that all ſummoundes of errour, or inordinate Proces, that ar to be raiſed be ony perſones, that thinkis them hurte be the determination of inqueſtes, or be proces of Schireffes led in the ſerving of Brieves in time to cum, be raiſed and perſewed within the ſpace of three zeires, after the ſaide proces, and making of retoures: The parties that alleagis them hurte, being of lauchfull age, and within the Realme: Swa that the erroure and in-ordinate proceſſe, michte cum to their eares: And gif onie perſonnes omittis to raiſe ſik ſummoundes, and perſewis them not within the ſaid termes. The ſaid termes being paſte, they ſall never be heard in judgement upon that action thereafter: Bot ſall tine their priviledge of reduction of the ſaid Proces and errour, for all time to cum: Nevertheleſſe the ſummoundes, that ar now dependand and hingand betuixt ony parties, to be proceeded, as they were wont: And quhair that ony perſones thinkis them hurte, be retoures or proces, that ar elſe led and maid in time by-gane: That they raiſe ſummoundes thereupon, within the ſpace of three zeires, and perſew the ſamin. And failzieing thereof, that they be never heard in judgement, as ſaid is, bot to tine their priviledge of reduction, in all times to cum.]

FINIS.

THE SEXT

PARLIAMENT

OF

KING JAMES THE FOURTH.

Halden at Edinburgh, *the elleventh daye of March, the zeire of God, ane thouſand, five hundreth, and three zeires.*

58. *Of the dailie Councell.*

ITEM, It is adviſed, ſtatute, and concluded in this preſent Parliament, becauſe there hes bene greate confuſion of ſummoundes, at ilk Seſſion: ſa that leaſure nor ſpace at a time of the zeir, micht not have bene had for the ending of them: And therefore, puir folkes hes bene delayed, & deferred, fra zeir to zeir, throw the quhilk they wanted juſtice: Therefore, for eſchewing of the ſaid confuſion, that there be ane Councell choſen be the Kings Hieneſſe, quhilk ſall ſit continually in *Edinburgh*, or quhair the King makis reſidence, or quhair it pleaſis him, to decide all maner of ſummoundes in civil maters, complaintes, and cauſes dailie, as they ſall happen to occurre: And ſall have the ſamin power, as the Lordes of Seſſion. And quhen they ſall beginne, and in quhat place, ſall be notified to the people, be open Proclamation, at the Kingis pleaſure.

59. *That Juſtice and Schireffes be maid for the* Iles.

ITEM, Becauſe there hes bene greate abuſion of Juſtice in the North partes and Weſte partes of the Realme, ſik as the North *Iles*, and South *Iles*, for lacke and fault of Juſtice aires, Juſtices and Schireffes, and there-throw the people ar almoſt gane wilde: It is therefore ſtatute and ordained, for the acquieting of the people be juſtice, that there be in time to cum, Juſtices and Schireffes depute in thay parts, as after followis: That is to ſay, that the Juſtices and Schireffes of the North *Iles*, have their ſeate and place, for adminiſtration of Juſtice, in *Innernes* or *Ding-well*, as the maters occurris, to be decerned be the ſaid officiares. And that ane uther Juſtice and Schireffe, be maid and depute for the South *Iles*, and thay parts, and to have his place and ſeate for adminiſtration of Juſtice, in the *Tarbar* of *Loch-kinkerane*, at the will and pleaſure of the ſaidis officiares, as the maters occurris.

60. *Of the Juſtice aires of* Ergyle, Lorne, Bute, *and thay parts.*

ITEM, It is ſtatute and ordained, becauſe there hes bene ane parte of the *Hie-landes*, quhilk at the landes betuixt *Badzienoch* and *Lorne*, and ar called *Dowart*, *Glentowart*, and als the Lordſhippe of *Lorne*, quhilkis hes bene out of uſe to cum to Juſtice aires, And likewiſe *Mawmor*, *Loch-Aber*, and *Ergyle:*

Therefore in time to cum, that the ſaid landes betuixt *Badzienoch* and *Lorne*, called *Dowart*, and *Glentowart*, and als the Lordſhippe of *Lorne*, cum and anſwere, and underly the Law in the Juſtice aire of *Perth: Mawmor*, *Loch-Aber* foreſaid, to cum to the aire of *Innernes: Ergyle*, quhen it pleaſis the Kingis Hieneſſe, ſall cum to *Perth*, and the Juſtice aire thereof, quhair ever-ilk Hieland man, and Lawlande man, may cum, and aske Juſtice without perrill or danger. And that the Juſtice of the ſaid Lordſhip of *Ergyle*, with the boundes thereof, have his place and ſeate in *Perth*, at the Kingis pleaſure, as ſaid is. And that that part of *Cowale*, that is not within the boundes, nor Lordſhip of *Ergyle*, and all the inhabitants thereof, cum to the aire of *Dumbartane*. Item, that the aire of *Bute*, *Arran*, *Knapdale*, *Kintyre*, and mekill *Cumray*, be halden at the Burgh of *Air*, or *Rotheſay*, and the inhabitants thereof, to cum there, at the Kingis pleaſure.

61. *Of Schireffes to be maid in* Roſſe *and* Caithneſſe.

ITEM, Becauſe there hes bene greate lack and fault of Juſtice in the North Parts, as *Caithneſſe* and *Roſſe*, for fault of diviſion of the Schireffedome of *Innernes*, quhilkis over-great, and thay parts ar ſa far diſtant fra the ſaid Burgh of *Innernes*, throw the quhilk they may not be brocht haſtely thereto, without great expenſes, laboures and travelles, quhair throw great enormitie and treſpaſſe hes growen in thay partes, in default of officiares within themſelfe, that had power to put gude rule amang the people: Therefore it is ſtatute and ordained in this preſent Parliament, that there be ane Schireffe maid of *Roſſe*, quhilk ſall have full power and juriſdiction, and Schireffe-ſhip within the boundes of *Roſſe*, and to ſit and have his place for adminiſtration of juſtice in *Thane*, or *Dingwell*, as the ſaid Schireffe thinks expedient, for the deciſion of cauſes, brieves, or ony uther ſik thinges belangand to his office, as the cauſe requiris. And in likewiſe, that there be ane Schireffe maid, quhilk ſall be called the Schireffe of *Caithneſſe*, quhilk ſall have full juriſdiction of Schireffe-ſhip, of all the haill dioceſie of *Caithneſſe*, and ſall ſit and have place for adminiſtration of his Office, in *Dornock* or *Vik*, as he thinkis maiſt expedient, for the cauſes occurrand. And all the Schireffedomes of *Innernes*, *Roſſe* and *Caithneſſe*, and the inhabitants thereof, compeir to the Juſtice aire of *Innernes*, quhen it beis cryed and ordained.

62. *That the greateſt crime be ſpecified in the remiſſion.*

ITEM, Becauſe that there hes bene in times by-gane, abuſion in the giving and granting of remiſſiones to perſones, that hes needed the ſamin, and hes put ane licht cauſe, for the ſpecial cauſe, in the ſaide remiſſion, and under the general clauſe, hes comprehended greater crimes then the ſpecial cauſe, quhilk was expreſſed, quhilk is contrair to equitie and juſtice: Therefore it is ſtatute and ordained, that quhair ony perſon or perſones, deſiris to have remiſſiones in time to cum, and wald that remiſſion ſufficed to him, ſall expone and declare in the ſaid remiſſion the greateſt cauſe, that he deſiris to have the remiſſion for. And in that caſe, the general clauſe ſall ſuffice him to comprehend crimes of les gravitie, then the ſpecial cauſe. And gif he expreemis not the greateſt crime in ſpecial, the general clauſe, ſall not ſave him fra ane greater cryme, nor the ſpecial is.

63. *That na remiſſion ſall be given for ſlauchter, upon fore-thoucht-fellonie.*

ITEM, Becauſe the Kingis Hieneſſe hes conſidered, and underſtandin the great ſlauchters that hes bene in his Realme, and the occaſion thereof in traiſt and beliefe, to get remiſſiones haſtely, quhair-throw the great inconvenients of ſlauchter, moved and happened, ever-ilk daye mair and mair: Therefore of his awin free minde and motive, hes deſired, that his three Eſtaites in this preſent Parliament, wauld ſet ſharpe rule therefore, and for importunitie of askers in time to cum, is content of the ordinance and deliverance to be maid be them: Therefore bee his awin adviſe, and the ſaid three Eſtaites: It is ſtatute, deviſed, and concluded, that there be na remiſſion given fra thine furth for ſlauchter, to be committed upon fore-thoucht-fellonie, in ony time to cum. And this ſtatute to indure unto the time our ſaid Soveraine Lord make ſpecial revocation of the ſamin.

64. *Of the correction and examination of Notares.*

ITEM, Anent the article of Notares, becauſe there hes bene divers and great complaintes maid be our Soveraine Lordis lieges, that there is ſa mony fals Notares in the Realme, that it is dredd throw their falſed, that trew men ſall not be ſicker of their heritage, nor Clerkes of their benefices, and in uther civil actions, quhilk may cauſe ane great diviſion amang our Soveraine Lordis Lieges: Therefore it is ſtatute and ordained in this preſent Parliament, that all Biſhoppes and Ordinares, make all the Notares within their dioceſe, to be called at a convenient day and place before them, and make them be examined upon their ſufficiencie and knawledge. And als tak inquiſition, how they have demained them, and of their fame. And the perſons, that they finde culpable, that they deprive them of their offices, and puniſh them for their faults, according to their demerits: And the perſons that they finde acceptable, that they ſend them with their writinges to the Kingis Hieneſſe, quhilk ſall depute certaine perſons to examine them. And gif they be gainand, to make them Regal, if they be not maid Regal of before. And als, that the ſaid Ordinares take inquiſition of all them that uſis fals inſtruments: And in ſa far as belangis his

his office ordinar, to puniſh them. And quhair it belangis not to his Office Ordinar, to ſend them to the King, to be puniſhed as effeiris.

65. *Summounds upon recent ſpuilzie, may be execute upon fifteene daies.*

ITEM, Anent recent ſpuilzie, it is ſtatute and ordained, that it ſall be leiffull to the partie quhilk is ſpuilzied, to ſummonde the ſpuilziers upon fifteene daies before the Lordes, ſa that he make his ſummounds within fifteene daies, nixt after the committing of the ſaid ſpuilzie, notwithſtanding the act maid of before, that all ſummounds ſuld be maid upon twentie ane daies: And richtſwa, to have power to call the ſaid ſpuilzier before the Schireffe, and that there ſall be na exception dilatour admitted againſt that ſummounds, it beand lauchfully indorſate.

66. *Anent the expenſes of Schireffes for their office.*

ITEM, Anent the expenſes of Schireffes, baith Ordinar, and Schireffes in that part, to be taken for the execution of their office in the diſtreinzieing of perſons for ſummes recovered: It is ſtatute, adviſed, and ordained, that the ſaid Schireffe, quhilk ſall execute his ſaid office, ſall have twelve pennies for ilk pound, for the execution of his office: And that to be taken of the perſon or perſones, that the ſummes or debtes be recovered on.

67. *Of expenſes of proces.*

ITEM, Becauſe in time by-gane, the Kingis lieges hes bene greatumly hurt, be the partial Schireffe and Officiares, for the denying of their proces to be given to the partie, quhair-throw the partie injured, micht have followed his action, and founded his intent, and the ſaid Schireffes hes halden their proces at ſa great ſummes, that the partie micht not pay therefore, and for that cauſe, the partie injured, hes loſt the proſecution of his action, and tint the ſame for verry poverty, that he micht not louſe the ſaid proces: It is therefore adviſed, ſtatute and ordained, that in time to cum, ilk ſik Schireffes and officiares, that hes proces led before them, outher be action of debt, or brieves, that they give the ſaide Proces to the partie, upon his expenſes, and that the partie ſall pay therefore, for ilk acte foure pennies allanerlie.

68. *For keiping of money within the Realme.*

ITEM, As to the taking of gold or ſilver foorth of the Realme: It is adviſed, ſtatute, and ordained, that the actes and ſtatutes maid of before, for the halding of money within the Realme, be put to dew execution, with this addition: That it ſall be ane poynt of dittay upon the takers foorth of the ſamin. And als, that the Kingis Hieneſſe, depute certaine ſearchoures in ever-ilk towne quhilk hes ane Port: The quhilkis ſearchoures ſall have power to ſearch the ſaillers and paſſers foorth of the Realme, for having foorth of money, quhat-ſum-ever perſon he be, Spiritual or Temporal. And he ſall have of his fees, the fourth part of the money that is taken be him, he bringand th'other three partes to the King. And that na perſones, nouther Spiritual nor Temporal, have mair money foorth of the Realme, bot fourtie ſhillinges, of the quhilks he hes licence be uther actes of before, under the paine of eſcheit.

69. *Anent ſtealers of Pykes, breakers of zairds and dowcattes.*

ITEM, Anent ſteallers of Pykes out of ſtancks, breakers of Dowcattes, Orchardes or zairds, or ſtealers of hives, and deſtroyers thereof: And als anent them, that ſlayis Parked Deare, Raes, or Rae-buckes, of Lordes proper wooddes, that that be a poynt of dittay in time to cum. And that the unlaw thereof, be ten pound, togidder with ane amendis to the partie, according to the skaith. And gif ony Children within age, commit ony of thir thinges foreſaid, becauſe they may not be puniſhed for none-age, their Fathers or maiſters ſall pay for ilk ane of them, ilk time committing ony of the ſaid treſpaſſes foreſaid, threttene ſhillinges four pennies, or elſe deliver the ſaid Child to the Judge, to be leiſched, ſcourged, and dung, according to the fault.

70. *Anent Beggers and their qualities.*

ITEM, Anent Beggers, that the ſtatute of King *James* the Firſt, maid upon ſtarke beggers, be obſerved and keiped. And that the Schireffes, Proveſtes, Baillies within Burrowes, baith of Royaltie and Regalitie, Spiritualitie and Temporalitie, ſee that this act be execute and keiped: And that they thoil nane to beg within them, except cruiked-folk, ſeik-folk, impotent-folk, and weak-folk, under the paine of paymenr of ane mark, for ilk uther begger, that beis foundin.

71. *Of the unlaw of greene-wood and Mure-burne.*

ITEM, Anent the artickle of greene-wood, becauſe that the Wood of *Scotland* is utterly deſtroyed, the unlaw theirof, beand ſa little: Therefore it is ſtatute and ordained, that the unlaw of greene-woodde, to

ony man, be ſelling or burning in time to-cum, be five pound: And that baith of Regalitie and Royalitie, the auld unlaw of greene-woode to the deſtroyers of it, utherwaies ſtandand in effect, as of before. And that the unlaw of Mure-burne, after the Moneth of *March* be in likewiſe five pound in all times to cum.

72. *Of ſlauchter of redde fiſhe, or Kipper.*

ITEM, Anent the ſlauchter of redde fiſhe in fore-bidden time, becauſe the littil unlaw thereof hes bene the cauſe, and occaſion, that the redde fiſh hes bene ſlaine in great number, to the great heir-ſhip of the cuntrie, and the deſtruction of the commoun weill: And als anent the ſlayers of Smoltes in milne-dames, clowſes, and be nettes, thornes, and cruves: It is ſtatute and ordained, that the unlaw thereof in time to-cum be ten pounde for the firſt time: The ſecond time, twentie pounde: And the third time, tinſel of life to the committer. And als it ſall be leifull to the Barronne, baith Spiritual and Temporal, baith in the Royaltie, and Regalitie, to proceed and ſit hereupon in their courtes, and to have ane unlaw of ilk one that beis convict of ony poynt foreſaid, of threttie ſhillinges. And gif ony perſon or perſones claimis to have ſik priviledges to ſlaie ſik fiſh in forbidden time, be ony of the waies foreſaid, that all ſik priviledges ceaſe, unto the time, that they cum before the King and Lords and ſchaw their ſaid priviledge, that they may be conſiddered, quhidder ſik priviledges be for the commoun weill, or not.

73. *Of the diviſion of Schireffdomes.*

ITEM, Becauſe there hes bene wanting of Juſtice in ſindrie Schireffedomes, throw the greatneſſe of the ſamin: Therefore it is ſtatute and ordained, that there be diviſion maid thereof in this wiſe: That *Culroſſe*, and *Tullialloun*, *Clack-mannan*, and all the landes betuixt it and *Strivling*, quhilk come to the aires of *Fife* and *Perth* of before, that all thay lands in time to cum, cum to the aires of *Strivling*. And that *Tullialloun* and *Culroſſe*, cum to the Schireffe court of *Strivling* on this wiſe, that all the perſones put now to the Juſtice aire, and Schireffe courte of *Strivling*, pay their unlaw, baith in Schireffe court, and Juſtice aire, ſik-like as they payed before this union, without prejudice to them there-intil.

ITEM, That the *Leinzie*, *Loch-bard*, *Brimmage*, *Skaith-moir*, *Kippane*, *Garden* and *Sea-Begges*, quhilk was of the Schireffedome of *Dumbartane*, *Perth*, and *Edinburgh* of before, be fra this time foorth, baith of Juſtice aire, and Schireffe court of *Strivling*. Item, that the landes of *Buchanane*, *Fintrie*, *Campſie*, *Strablane*, *Buthrane*, *Drymme*, *Inchcalzeach*, and fra thine Weſte, to be of the Schiriffedome of *Dumbartane*, and compeir there, baith at the Juſtice aire, and Schireffe courte, in all times to cum, with the like condition, that the in-habitants thereof, paye their unlaw, baith in Juſtice aire, and Schireffe court, as they did before this union, without ony prejudice there-intil, as ſaid is.

74. *That hedges, Parkes, and Dowcattes, and Cunningares be maid.*

ITEM, It is ſtatute and ordained, anent policie to be halden in the cuntrie, that everilk Lord and Laird, make them to have Parkes with Deare, ſtankes, cunningares, dowcattes, Orchardes, hedges, and plant, at the leaſt, ane aicker of Woode, quhair there is na greate Wooddes nor Forreſtes.

75. *Of zeirly weapon-ſhawinges to be maid.*

ITEM, It is ſtatute and ordained, for the keiping of armour and harnes, that it be not ſpilt nor deſtroyed in time of peace, that all *Scotland* mak their weapon-ſchawinges upon *Thurſ-day* in *Whit-ſunday* oulk. And that ilk officiar, as Schireffe, Baillie, Steward, or uthers, ſee that this acte and ſtatute be execute and keiped.

76. *The heretoures and aires may be followed at the zeiris end, after the deceaſe of their fore-bears: Caution ſuld be found be the executors, to the aire.*

ITEM, Anent the exceptions proponed be heretoures, quhen they ar perſewed for debtes of their Fathers, or forebears, to quhome they ſucceede, allegeand that their Fathers movable gudes ſuld pay their debtes, and that the executours ſuld be called before them: It is adviſed, ſtatute, and ordained, that it ſall be leifful to the creditour to follow the aire, after the by-paſſing of ane zeir. Becauſe the executors ſuld be reſponſal for ane zeir: at the ende of the quhilk, he ſuld give his compt. And gif it pleaſis the aire, he may, and ſuld be diligent, and require the Ordinar within the ſaid zeir, to aske compt, and he to ſee the compt, and quhat beis foundin remanent, over the things perteinand to their office, that he ſuld require the Ordinar, that he micht have caution and ſovertie for the relieving of his heretage, in ſa far as the gudes reſtis attour the compt. And that the Ordinar ſall cauſe him to have ſufficient caution thereof. And ſa at the end of the zeir, the aire ſall anſwere to everilk creditour.

77. *Anent*

77. *Anent the exceptions proponed anent Widowes, in hindring of them of their teirces.*

ITEM, It is ſtatute and ordained, anent the exceptions proponed againſt Widowes, perſewand and followand their brieves of teirce, or the profite of their teirce, quhilk is oft-times proponed againſt thay Widowes, that they were not lauchfull wives to the perſones their husbandes, be quhome they follow their ſaid teirce: That therefore, quhair the matrimonie was not accuſed in their life-times, and that the woman askand this teirce, beand repute and halden, as his lauchfull wife in his life-time, ſall be teirced, and bruik her teirce, but ony impediment or exceptions to be proponed againſt her, ay and quhill it be clearely decerned, and ſentence given, that ſcho was not his lauchfull wife, and that ſcho ſuld not have ane lauchfull teirce therefore.

78. *That all Free-halders, within ane hundreth markes of extent ſend their Procuratoures to the Parliament.*

ITEM, It is ſtatute and ordained, that fra thine-foorth, na Barronne, Free-halder, nor Vaſſal, quhilk ar within ane hundreth markes of this extent, that now is, be compelled to cum perſonally to the Parliamente, bot gif it be that our Soveraine Lorde write ſpecially for them: And ſa not to be unlawed for their preſence, and they ſend their procuratours to anſwere for them, with the Barronnes of the Schire, or the maiſt famous perſons. And all that ar abone the extent of ane hundreth markes, to cum to the Parliament, under the paine of the auld unlaw.

79. *That all our Soveraine Lordis Lieges be ruled be his Lawes.*

ITEM, It is ſtatute and ordained, that all our Soveraine Lordis Lieges beand under his obeyſance, and in ſpecial the *Iles*, be ruled be our Soveraine Lordis awin Lawes, and the commoun lawes of the Realme, and be nane uther Lawes.

80. *That all officiares within Burgh be changed zeirly.*

ITEM, That all Officiares, Proveſtes, Baillies, and uthers havand office of juriſdiction within Burrowes, be changed zeirly, and that nane have juriſdiction within Burgh, bot gif they uſe merchandice within the ſaid Burgh.

81. *That na Merchandes perſew ane uther in partes bezond Sea, before ony Judge, bot the Conſervatour.*

ITEM, It is ſtatute and ordained, for the weill of Merchandice, and for the greate exorbitant expenſes, maid be them upon pleyes in the partes bezond Sea: That therefore the Conſervatour of this Realme have juriſdiction to do juſtice amang the ſaidis Merchandes, OUR SOVERAINE LORDIS lieges, that is to ſay, betuixt merchande and merchande in thay partes bezond Sea. And that the ſaid Conſervatour proceed not upon ony maters, bot gif they be vj. of the beſt and honeſteſt merchandes of maiſt knawledge of the Realme, that ſall ſit and have power with him, gif ſa mony may be gotten. And gif there be not to the number of vj. that there ſit iiij. Merchandes with him at the leaſt, that ſall have ſiklike power with him to miniſter juſtice, and that na Merchand perſew an other before ane uther judge bezond the Sea, nor do in contrair this acte, under the paine of five pound, to be payed to the King of the perſewer, and payment of the expenſes, to the partie perſewed.

82. *That the Conſervatour of* Scotland, *cum hame zeirly, or ſend ane Procuratour.*

ITEM, It is ſtatute and ordained, that the Conſervatour of *Scotland*, cum zeirly hame, or ſende ane reſponſal procuratour for him zeirly, that ſall anſwere to everie ilk man upon all thinges, that they have to ſay to him for all maters, and make certification to the King or his Councel, of the ſending of the ſaide procuratoures, and that under the paine of tinſel of his office, and payment of twentie pound great to the King.

83. *That na mercat nor Faires be halden upon Halie-daies, nor in Kirk, nor in Kirk-zairdes.*

ITEM, It is ſtatute and ordained, there be na mercat, nor Faires halden upon Halie-daies, nor zit within Kirkes, nor Kirk-zairdes, upon Halie-daies, nor uther daies, under the paine of eſcheit of the gudes.

84. *That Merchandes and Burrowes bruik their auld priviledges.*

ITEM, It is ſtatute and ordained, that all the merchandes of the Realme and the Burrowes, bruike, and have their aulde priviledges and freedomes, granted, and given to them be our Soveraine Lordis Progenitoures of maiſt Noble minde, be obſerved and keiped to them, and that na perſones dwelland out-

with Burrowes, uſe ony Merchandice, nor zit tap nor ſell wine, walxe, ſilkes, ſpicerie, wadde, nor ſiklike ſtuffe, nor zit Staple gudes: And that nane packe nor pile in *Leith*, nor uthers places, without the Kingis Burrowes, under the paine of the eſcheitting of the gudes to the Kingis uſe, that beis tapped, ſauld, packed, or piled, againſt this ſtatute.

85. *That Commiſſares and Headeſ-men of Burrowes be warned to taxations of the Realme.*

ITEM, It is ſtatute and ordained, that the Commiſſares and Headeſ-men of Burrowes, be warned quhen taxes or contributiones ar given, to have their adviſe there-intill, as ane of the three Eſtaites of the Realme.

86. *That na Burges be maid without conſent of the great Councell of the Towne.*

ITEM, It is ſtatute and ordained, that in time to cum, na Proveſt, Baillie, nor Alderman of ony townes, make Burgeſſes, nor Gild-brether, without the conſent of the great Councell of the Towne, and that the profite that is tane, for the making of ilk Burgeſſe or Gilde, be put to the commoun gud, and ware on the commoun warkes.

87. *That na Nichtbour uſurpe againſt the officiares in Burgh.*

ITEM, It is ſtatute and ordained, that na Nichtboures, Craſref-men, Gentle-men, Burgeſſes, nor indwellers in the Burgh, uſurpe againſt the authoritie of the Kingis Officiares, choſen in the Burgh, nor make leagues nor bandes in contrair the ſamin, under the paines conteined in the Lawes and ſtatutes of the Burgh.

88. *That nane houſe wooll, skin, nor hides in* Leith.

ITEM, It is ſtatute and ordained, for cauſing of the Kingis cuſtomes to cum in haill to him, as accordis, and to eſchew the defrauding, that hes bene done thereof in times by-gane, that na man houſe wooll, hides, nor skinnes in *Leith*, nor uther places, out-with free Burrowes, under the paine of eſcheit.

89. *That all Schireffes and Officiares write the day that they give ſaiſing to ony man in their court buik, and bring the ſamin to the Checker.*

ITEM, Becauſe the vaſſalles ar greatumlie hurt, throw out-lying of their over-Lordes, and for the none entring to the ſuperioritie of their landes, after that they raiſe their precept of ſaiſing out of the Chancellarie: It is ſtatute and ordained, that in time to cum, all Schireffes, Stewardes, or Baillies, that givis ſaiſing be preceptes of our Soveraine Lordis Chappel to ony perſones, that they write the day and zeir, that they gave the ſaiſing, and bring the ſamin in their courte buike to the Checker.

90. *That it be leifful to our Soveraine Lord to ſet all his landes in few.*

Diſſolution. ITEM, It is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites in this preſent Parliament, that it ſall be leiful to his hieneſſe to ſet all his proper landes, baith annexed, and un-annexed in few-ferme, to ony perſon or perſones, as he pleaſis: Swa that it be not in diminution of his rental, greſſoumes, nor uther dewties, and to ſet them with ſik clauſes, as he thinks expedient, according to the condition foreſaid. And that the landes that he ſettis in his time, as ſaid is. ſtande perpetually to the aires, after the forme of their condition: And that this ſtatute indure for the life time of the King our Soveraine Lord, that now is, allanerly: Swa that the lands that he ſettis in his time, with the condition foreſaid, ſall ſtand perpetually: And after his deceaſe, the annexations, quhilkis ar maid of before, ſall returne againe to the awin nature: Swa that his Succeſſoures ſall not have power to annalie, nor ſet in few, mair then they had before the making of this ſtatute.

91. *That it ſall be leiffull to everie man, baith Spiritual and Temporal to ſet their lands in few.*

ITEM, It is ſtatute and ordained, becauſe the Kingis Hieneſſe is of will and minde. for policie of his Realme, to ſet his proper landes, baith annexed, and unannexed, in few-ferme: Therefore, he hes granted to all his Eſtaites, with their adviſe, that ever-ilk Lord, Barronne, Free-halder quhat-ſum-ever, Spiritual or Temporal, ſall have powet induring the daies of his life, to ſet all their landes in few-ferme, or annual-rent, to ony perſon or perſones: Swa that it be not in diminution of their rental, ſwa that the alienation ſwa maid of the maiſt part of all their lands, ſall be na cauſe of fore-faltour, nouther to the ſetter, nor to the taker: notwithſtanding, ony ſtatute or lawes maid in the contrair.

92. *That the Malt-makers preſent their Malt to the mercat.*

ITEM, It is ſtatute and ordained, that all the Malt-makers of *Leith*, *Edinburgh*, and uther places about *Edinburgh*, and uther Burrowe Townes within the Realme, preſent their malt to the mercat in time to-cum. And that ilk day be ane mercat day for victualles, except the halie-day: And that they ſell not the ſaid Malte, quhill nine houres, under the paine of eſcheit of all Malte, that is ſauld utherwaies: And that the Proveſt and Baillies of ilk ane Towne, ſee that this ſtatute be keiped. And that they have power to eſcheitte the ſamin, and anſwere to our Soveraine Lorde zeirly therefore in his Checker, quhais handes that ever it be foundin in: And that the Malt-makers take na mair for the making of ane Chalder of Malt, bot ane boll of Beare: And quha dois in the contrair, ſall be repute oppreſſoures of the Kingis lieges, and dittay tane thereupon to the juſtice aire.

93. *That the inhabitants of annexed and unite landes to uther Barronages ſall anſwere to the Juſtice aires, Schireffe courtes, quhair the landes lyis.*

ITEM, Becauſe it hes bene ane defrauding in execution of juſtice, that quhair lands hes bene annexed and unite in ane Barronnie, quhilks lands lyis in ſindrie Schireffdoms, throw the quhilk the inhabitants of the ſaidis lands ſa annexed, hes never anſwered in Schireffe court, nor juſtice aire, in the Schireffedome, in the quhilk they lye, becauſe the Lordſhip, that they were annexed to, lyis in ane uther Schireffdome: Therefore it is ſtatute and ordained in time to cum, that ever-ilk Barronnie, and the inhabitantes thereof, ſall anſwere in Schireffe courte and Juſtice aire, quhair the ſaid Barronnie lyis, and there be halden to compeir, baith be arreiſt of his Schireffe, Officiar and Crowner, notwithſtanding the ſaid annexations: And the annexation ſall ſuffice allanerly for the Lord, that hes the ſaid landes annexed, to give their preſence, and ſervice in the place, quhair they ar ordained be the ſaid annexation.

94. *Of exceptions to be proponed againſt the brieve of inqueſt: Summondes of aſſiſors: Proclamation of brieves.*

ITEM, it ſtatute and ordained, that becauſe there hes bene in time by-gane, great abuſion in the proponing of exceptions frivoll, againſt the brieve of inqueſt, and perverted the ordoure and nature of it, as it were ane brieve of pley: Therefore for the eſchewing of ſik frivoll exceptions in time to-cum: It is ſtatute and ordained, that na exception availe againſt the ſaid brieve of inqueſt, it beand cryed openly upon fifteene daies, with the indorſing of the Officiar that cryed it, conteinand twa witneſſes, and his ſeale or ſignet, bot the exceptions followand allanerly: That is to ſay, againſt the judge, againſt the inqueſt, and the exceptions of baſtardrie, and that to be proponed in the forme of the auld Law: And as anent the exception maid anent the ſummonding of inqueſt, upon fifteene dayes before, after the forme of the ſtatute of King *Robert*, quhilks maks mention, that the inqueſt ſuld be ſummound upon fifteene daies before: It ſall be leiffull notwithſtanding the ſaid ſtatute to the Schireffe, or ony uther Officiar, that is judge to the brieve of inqueſt, to ſummound the ſaid inqueſt upon quhat daies he pleaſis, or upon ſchort time, notwithſtanding the ſaide ſtatute: And gif they be preſent in the Tol-buith un-ſummounded, ſa that there be nane uther lauchful exception againſt them, it ſall be leiffull to the Schireffe or Officiar, to compell them to paſſe upon the ſaid inqueſt. And attour, becauſe there hes bene ane abuſion in the crying of the Kingis brieves in Stewartries and Baillieries, quhair they were cryed at ane Hill, na confluence of people being there, throw the quhilk na knawledge thereof micht cum to the partie: Herefore it is ſtatute and ordained, that all manner of brieves of inqueſt, ſall be cryed at the mercat croce of of the burgh openly in plaine mercat, quhen maiſt confluence of people is gaddered. Swa that the crying thereof, may cum to the knawledge of the partie defender, quhair it ſuld be ſerved, and quhat day. And that the ſaid brieve be thriſe cryed plainly togidder, and betwixt ilk crying the ſpace of all the three cryinges. And that all Officiares of the Towne be warned to compeir at the ſaid proclamation to beare witnes: And gif it ſall happen, that the Anteceſſor of ony clamand richt, deceaſe ſa nere the terme of *Whit-ſunday* and *Martin-mes*, that the perſewer may not get it upon ane mercate day, for nearnes of the terme of *Whit-ſunday* or *Martin-mes*, in that caſe, it ſall be leifful to him to gar cry his brieve upon ony oulke day: Swa that he have the Officiares of the Towne, and part of the honeſt perſones to the number of ſex perſones, ſaifand to our Soveraine Lord, his warning upon fourtie daies, after auld uſe and conſuetude.

95. *Of the proces of falſing of doome.*

ITEM, It is ſtatute and ordained, becauſe there hes bene great abuſion of juſtice, and greate expenſes to the partie perſewand their lande and heretage be the brieve of richt, and uther brieves pleidable be the proponing of exceptions frivoll and borghes and recounters, and falſing of doomes, throw preſuming of delayes: That therefore in time to cum, quhair ony dooome is falſed, outher upon dilatour or peremptour exception, or utherwaies in the perſute of the briefe of richt, the partie that falſis the ſaid doome before the Schireffe, Stewart, Baillie, or ony uther Officiar, or their deputes, ſall cum within the ſpace of fifteene daies

daies to the Juſtice Clerk, and preſent his proces, of the falſing of the ſaid doome. And with adviſe of our Soveraine Lord, or his Juſtice there, ſall incontinent thereafter, be ſet, ane Juſtice aire, for the diſcuſſing and ending of the ſaid doome falſed, upon fourtie daies: And the Juſtice be his precepts or ſummoundes, direct to the Schireffe, ſall warne baith the parties of the ſaid day, limit for the diſcuſſing of the ſaid doome. And the Free-halders and ſuitours ſall cum to the ſaid Juſtice aire, within the Schireffedome or Stewartrie, quhair the ſaid doome ſall be diſcuſſed, and warde thereupon, under the paine of the unlaw of the court. And gif the ſaid doome be falſed in the Juſtice aire, anent the ſaid briefe, or gif there be ony uther brieves pleidable preſented to the Juſtice, and in the perſute of them happenis the doome to be falſed: In likewiſe, after the falſing of that doome, within fifteene daies thereafter, the partie that falſis the doome, ſall cum to the Clerk of Regiſter, and of our Soveraine Lordis Councell, and preſent this proces of falſing of doome. And thereafter the ſaid Clerk of Councell, ſall ſchaw the ſamin to our Soveraine Lord, quhilk ſall depute threttie or fourtie perſones, or maa or fewer, as pleaſis his Hieneſſe, quhilk ſall have power as it were in ane Parliament, to decide and diſcuſſe the ſaid doome, and the parties be warned be our Soveraine Lordis letters, of the day affixed for the diſcuſſing of the ſaid doome: quhilk ſall be ſet upon fourtie daies, within the quhilk time, it ſall be leiffull to ony of the parties, to give in their reaſones. And gif there be ane doome falſed before the Proveſt, Baillies within Burgh, or before ane Barronne or uther Free-halders: The partie falſer of the ſaid doome ſall cum in likewiſe, gif it be falſed, within the Burgh to the Chalmerlane, and preſent him the proces of the falſing of the ſaid doome, quhilk ſall ſet ane court of the iiij. Burrowes, upon fifteene daies, and make the ſaid doome to be diſcuſſed: In likewiſe, quhair the doome is falſed before the Barronne or Free-halder in their courts, then the falſer of the ſaid doome ſall cum to the Schireffe, or uther immediate ſuperiour of that Court, quhilk ſall ſet his Court upon fifteene daies, and make the ſaid doome to be diſcuſſed, and warne the parties thereto, and gar the ſuitours of the Schireffedome warde thereupon. And gif it be falſed in the ſaid court of foure Burrowes, or in the Schireffe court, to have ſik-like proces to the courts immediat ſuperiour, as is abone written: And the parties to have priviledge to give in their reaſons ony time, within the day limited, for the diſcuſſing of the ſaid doomes. And this to have proces in all maner of doomes falſing, alſweill brieves, as uther civill maters.

96. *That all meaſures and weichtes be of ane quantitie, quhilk ſall be ſtatute in* Edinburgh, *be the Chalmerlane.*

ITEM, It is ſtatute and ordained, that all meaſures and weichtes, baith pynt, quart, firlot, peck, elvand, ſtane and pound, be of ane quantitie and meaſure, quhilk ſall be ordained in *Edinburgh*, be our Soveraine Lord, and his Chalmerlane and Councell. And that ever-ilk Burgh cum and fetch their meaſure foorth of *Edinburgh* ſealed and maid, and keip the ſamin. And quhair there is ony fermes aucht in heritage of the auld mette, that the ſaid fermes be proportionate to the quantitie of the auld mette, and payed with the new mette, to the availe of the auld mette proportionally. And gif ony perſones uſe ony uther meaſures, or weichtes in time to cum, bot the meaſures and weichtes now to be maid, as ſaid is: It ſall be ane poynt of dittay, and they to be indicted thereof, fra thine foorth.

97. *That all money have courſe in the Realme, it being cracked or flawed.*

ITEM, It is ſtatute and ordained, becauſe there is and hes bene great difference and refuſe in the taking of money, havand courſe in the Realme, it beand outher cracked or flawed: Therefore that in time to cum, na maner of perſon or perſones, refuſe to take for their Merchandice ony money, ſilver or gold, it havand courſe in this Realme: Notwithſtanding it beand outher cracked or flawed, with certification, that quha dois in the contrair, ſall tine the ſilver that they refuſe, to be eſcheit to the King, and the byer to have the ſtuffe, that he ſuld have coſt with the ſaid money.

98. *That na Schireffe nor Officiar diſtreinzie or poynd ony thing belangand to the pleuch, in time of teilling.*

ITEM, It is ſtatute and ordained, that in time to cum, na maner of Schireffe nor Officiar poynd nor diſtreinzie, the oxen, horſe, nor uther gudes perteining to the pleuch, and that labouris the ground, the time of the labouring of the ſamin, quhair ony uther gudes or lande ar to be appriſed or poynded, according to the commoun law.

99. *That the wordes of falſing of doomes be changed.*

ITEM, It is ſtatute and ordained, that the wordes of falſing of doomes be changed, in this maner, that quhair ony partie thinkis him hurte, he ſall uſe thir wordes: I AM GREATUMLIE HURT AND INJURED BE THE SAIDE DOOME, Therefore, I appeale and findis ane borgh in the Officiares handes of the Court, to perſew the ſaid appellation, conformand to the Law maid of before, and within the time, ſik-like as is conteined in the ſaid Lawe of the Realme.

100. THE KINGIS REVOCATION.

QVO Die excellentiſſimus ſupremuſque Dominus noſter Rex, in præſato ſuo Parliamento, cum conſenſu & aſſenſu trium Regni ſui ſtatuum, ipſis, ut ſupra, preſentibus, revocavit, caſſavit, annullavit, omnes & ſingulas donationes, Conceſſiones terrarum, prædiorum, poſſeſſionum, aut aliarum rerum, acta, ſtatuta Parliamenti ſeu Generalis Concilii, & quæcunque alia per eundem ſupremum Dominum noſtrum Regem, ac nomine ſuo, temporibus retroactis præjudicialia, ac damnum, detrimentum ſeu læſionem Eccleſiæ Catholicæ, animæ ſuæ, aut Coronæ generantia. Et prædictas donationes, conceſſiones, acta, ſtatuta, & quæcunque alia, ſic ut præmittitur, revocata, pro non factis haberi vult in futurum, & eadem de libris & ſcriptis cancellari & deleri mandavit.

FINIS.

THE SEVENTH PARLIAMENT OF KING JAMES THE FOURTH,

Halden at Edinburgh, *the aucht daye of May, the zeire of God, ane thouſand, five hundreth, and nine zeires.*

101. *Anent the diviſion of Schireffedomes.*

ITEM, Anent the Artickle of the diviſion of Schireffedomes, quhilk was ordained be ane acte of Parliament, maid in the Parliament, halden at *Edinburgh*, in the zeir of God, ane thouſand, five hundreth, and three zeires: It is now ſtatute and ordained, that fra thine foorth, the ſaid acte of Parliament, have ſtrength allanerly, anent the courts of Juſtice aires, baith for ſuit, preſence, and all thinges concerning the Juſtice aires. And as for the Schireffe courtes, and all uther courtes and doinges, that they cum to the Townes and Schireffedomes, that they come to, and were, of before the making of the ſaid acte of Parliament, and there to anſwere, and give ſuit and preſence, and thole law, as they were woont to doe, exceptand the landes perteining to Schir *Duncane Forreſter*, that is to ſay, the landes of *Garden*, *Diſcher*, *Kippane*, *Eon*, and *Gibbin eaſter*, to remaine at the Juſtice aires, and Schireffe courts of *Striviling*, as they were of before the making of this preſent act.

102. *Ane act maid be our Soveraine Lord, King* James *the Fourth, anent the waird, reliefe, and mariage of the aires of them that deceaſis in the armie.*

AT *Tweſil-hauch* in *North-Humberland* the XXIV. day of *Auguſt*, the zeir of God, ane thouſand, five hundreth, threttene zeires: It is ſtatute and ordained be the Kingis Hienes, with adviſe of all his Lordes being there for the time in his hoiſt in this forme, as followis, that is to ſaye, gif ony man beis ſlaine or hurt to death in the Kings armye, and hoiſt be *Engliſh-men*, or dies in the armye, induring the time of his hoiſt, his aires ſall have his waird, reliefe, and mariage of the King free, diſpenſand with his age, quhat eild that ever he be of. And ordainis the Kingis letters to be direct hereupon to the effect foreſaid, neceſſair, as effeiris.

FINIS.

ANE TABLE

Of the

PARTICULAR and uther ACTS, maid be KING JAMES the Fourth, quhilkis ar not prented.

First Parliament, ſext day of October, the zeir of God, ane thouſand, foure hundreth, auchtie, aucht zeires.

OUR Soveraine Lordis mariage.
Of landes and gudes taken before the Field of Striviling.
That reſtitution be maid to Burgeſſes and un-landed men, of gudes taken fra them.
That all Officiares being in the Field of Striviling, *be ſuſpended fra their offices.*
Anent the entreſſe of the aires of them quha deceaſed in the fielde of Striviling.
The furth-putting of Juſtice.
Commiſſion anent the ſtanching of thieft and uther enormities.
Of Clerkes that purchaſis benefices at the Court of Rome.
The propoſition of the debaite of the field of Striviling.
Anent Cruves.
Anent the keiping of the Caſtel of Edinburgh, *and deſtruction of the Caſtel of* Dumbar.

Second Parliament. xv. of Februar. 1489.

Of Juſtice aires.
Ane Embaſſadour to France.
Ane Embaſſadour to Denmarke.
Proviſion for the Duke of Roſſe *and Erle of* Marre.
Commiſſions for the in-bringing of the Kingis rentes.
Auditours for the Kingis Compts.
Anent Ferriers that takis double fraucht.
Of Halcarſtoun *to be called the* Temple.
Remiſſiones of them quha was in Dumbartane *with the Lord* Lile.

Thrid Parliament. xviii. of Maij. 1491.

Embaſſadour for our Soveraine Lordis mariage.
Ane Embaſſadour to Denmarke.
The keiping of the daies of trewes.
The ſitting of the Seſſion.

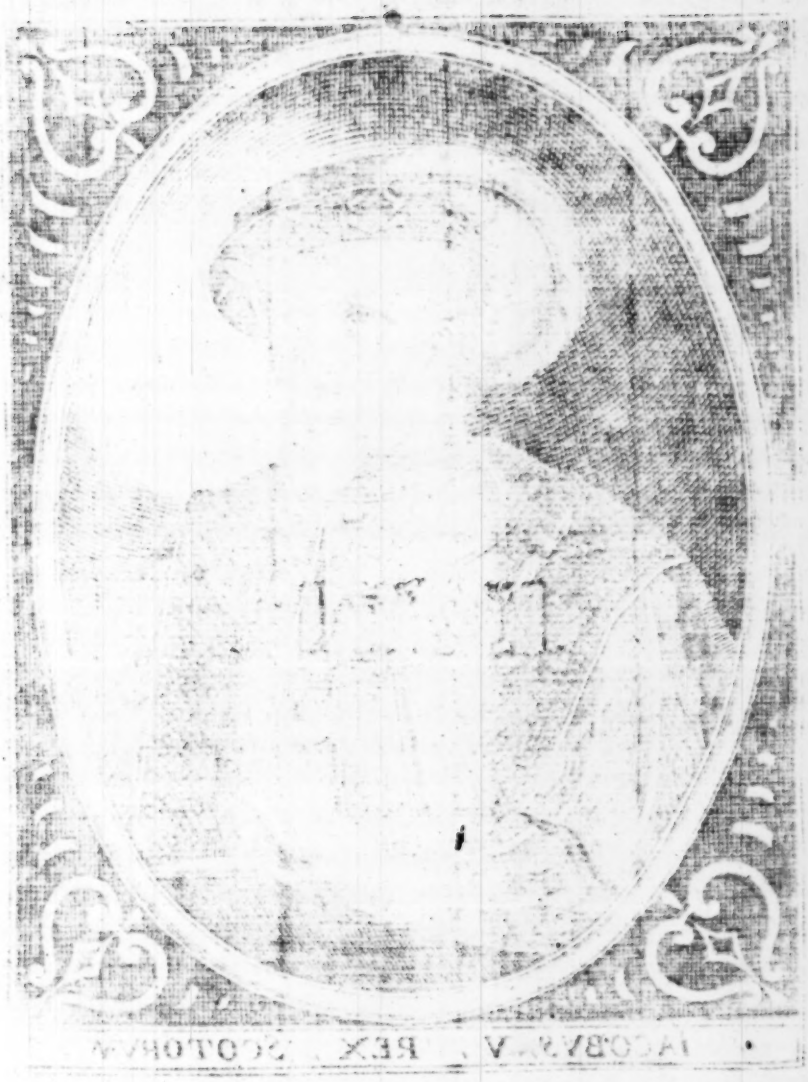
Fourth Parliament. xxvi. of June. 1493.

The diſpoſition of benefices, the Sege vacant.
The Bull anent Benefices elective to be obſerved.
That na Legate be received within this Realme.
Of the Indult granted to Saint-Andrewes, *and* Glaſgow.
Of the pleyes betwixt the Biſhoppe of Saint-Andrewes, *and* Glaſgow.
The Kingis Embaſſadour ſuld charge all perſones to ceaſe their pleyes.
Embaſſadour for the Kingis mariage.
That nane deſtroy Herone ſewes for three zeir.

Sext Parliament. xi. of March. 1503.

Anent the making of Schippes for fiſhing.
That the auld acte anent Sailers be put to execution.
Anent the in-bringing of bulzieon.
That money cracked or flawed, have courſe within the Realme.

FINIS.





IACOBVS. V. REX. SCOTORVM.



PARLIAMENTUM PRIMUM
JACOBI QUINTI,

Dei Gratia Scotorum Regis Illuſtriſſimi, tentum & inchoatum apud *Edinburgh*, die Jovis, duodecimo die Menſis Julii, *Anno Domini, Milleſimo Quingenteſimo, decimo-quinto, per illuſtrem & magnificum principem*, Johannem *Ducem* Albaniæ *&c. Prædicti Domini noſtri Regis & Regni tutorem & gubernatorem, una cum Prælatis, Baronibus, Proceribus, & Burgorum Commiſſariis in ſpeciali Commiſſione contentis, & ibidem perlectis, in dicto Parliamento congregatis, tres Regni ſtatus repreſentantibus &c. Quo die ſectis vocatis, curia affirmata abſentes patent in Rotulis.*

1. *Of the freedome of halie Kirk.*

IN The firſt it is ſtatute, that the freedomes, priviledges, and immunities of halie Kirk, and uthers Spiritual perſones, be obſerved and keiped in honour and worſhip, in the time of our Soveraine Lord, and my Lord Governour, that now is, as it hes bene in times by-gane.

2. *The maiſter or mainteiner of ane thief, ſuld deliver him to the partie, or exhibite him before the Judge. Of thieft-bute. The wrangeous accuſer, payis ten poundes.*

ITEM, Becauſe the crime of thieft and ſtouth-rieſe, is ſa commounlie uſed amang the Kingis Lieges, and for ſtanching of the ſamin, It is ſtatute and ordained in this preſent Parliament: That quhair ony of the Kings Lieges is plainteous, or compleenis upon a thieſe that hes reft or ſtollen his geare, or his mennis, and is in ſervice or obeyſance of onie man, and ſchawis the ſamin to the man, that he is in ſervice with, and wauld attach him to the Law for the ſame: this man, that this thief or riever is in ſervice with, or finds him with him, or under his obeyſance, ſall be halden and obliſhed, to produce and bring him to the Law, before the Juſtice, Schireffes, or ony uthers, that hes cognition to do Juſtice upon ſik perſons, committers of ſik crimes, at daies and places affixed to them to underly the ſamin: or elſe ſall deliver the ſaid thieſe or riever, to the compleener, to be brocht to the Law, and Juſtified, as ſaid is. And gif his maiſter or ſuſteiner of this thieſe or riever, refuſis to do the ſamin, he ſall be halden airt and partaker of his evill deedes, and ſall be accuſed therefore, as the principall thieſe or riever, and als ſall reſtore, and ſatisfie to the compleener the gudes reft or ſtollen fra him: And gif this compleener, after that he have attached this thieſe, or delivered him, as ſaid is, wald concord with the ſaid thief, and take thieft-bute, and put him fra the Law: In that caſe, he ſall underly the Law, and be accuſed therefore, as principal thieſe or riever. And gif he attachis and accuſis him of the ſaide thieft or rieſe, and beis foundin innocent thereof: The ſaid compleener ſall be halden and obliſhed to give to the ſaid man, that he ſclanders innocently, ten pound for amendis of the ſaid ſclander.

FINIS.

THE SECOND PARLIAMENT OF KING JAMES THE FIFTH.

Halden at Edinburgh, *the twentie fourth day of Julij, the zeir of God, ane thouſand, five hundreth, twentie twa zeires.*

3. *Anent the waird, reliefe, and mariage of the aires of them that deceaſe in the hoaſt moved contrair* Engliſh-men, *or the traitours of the Realme.*

THE Quhilk day my Lord Governour, with adviſe of the three Eſtaites of the Realme, hes ſtatute and ordained in this preſent Parliament: That gif ony man be ſlaine or hurt to death, in hoaſt or army, againſt our auld enemies of *England*, or traitoures of *Scotland*, in perſewing or defending now in time of weir moved, or to be moved, betuixt this Realme, and the Realme of *England:* In that caſe, the aires of them that ar ſlaine, ſall have the waird, reliefes, and mariages of the Kingis grace, and my Lord Governour, free, diſpenſand with their age, quhat eild that ever they be of: To be applyed to the utilitie of the wives, aires, and bairnes of them that ar ſlaine, for the up-hald and ſuſtentation of the ſaidis wives, aires, and bairnes: Swa that throw the deceaſe of their husbandes, they remaine not alluterlie in povertie and diſſolution. And in likewiſe, all the Lordes, Spiritual and Temporal, hes conſented, and conſentis, that all perſones that haldis lands of them, that beis ſlaine or hurt to death, as ſaid is, ſall have, and bruik the priviledge of the Acte: And alſwa, all vaſſalles, and ſub-vaſſalles, that haldis landes of Barronnes, or uther their Over-lordes, and happenis to be ſlaine or hurt to the death, in the ſaid hoiſt or armie, their wives, aires and bairnes, to bruik the effect and priviledge of the ſaid Acte, as is before written. And that letters be direct thereupon in dew forme, as effeiris.

4. *Anent the tackes und ſteadinges of them that ar ſlaine, as ſaid is.*

ITEM, It is ſtatute and ordained, be the haill three Eſtaites of Parliament, that quhat-ſum-ever tennent, Gentle-man unlanded, or zeaman, havand tackes or ſteadinges, of ony Lordes or Lairdes, Spiritual or Temporal, that happenis to be ſlaine be *Engliſh-men*, in our Soveraine Lordis armie or ſerviee, or gettis deathis woundes, in the ſamin: The wives and bairnes of them that ſall happen to be ſlaine or wounded to the death, as ſaid is, ſall bruik their tackes, maillinges, or ſteadinges, for their ſuſtentation, during the ſpace of five zeires, nixt after the ſlauchter or wounding to death, of the ſaidis tennents, greſſoume free: Payand allanerly but mailles, dewties, and ſervice aucht and woont.

FINIS.

THE

THE THRID PARLIAMENT OF KING JAMES THE FIFTH,

Halden at Edinburgh, *the twentie twa day of Januar, the zeir of God, ane thousand, five hundreth, twentie aucht zeires.*

5. *The maner of arreiſtments to be maid be the Crowner.*

ITEM, It is ſtatute and ordained, that Crowners in making of their arreiſtments, ſuld paſſe to the habitation and dwelling place of perſones, given them in portuous, indicted to the aires, and thereafter make open proclamation at their Paroch Kirks, upon Feſtival daies, quhilk ſuld ſtande for ſufficient arreſtment, howbeit it maid na mention in the ſaid acte, gif the faidis perſones were ſtreinzieable for the unlaw, or not: Quhair-throw, our Soveraine Lorde, hes bene greatly defrauded be the Crowners, in halding of his laſte juſtice aires, and giving of all vagaboundes and divours, not being diſtreinzieable for the unlaw: Therefore it is ſtatute and ordained, that in all times cumming, that quhair the Crowners makis ony ſik arreiſtments upon perſones at their dwelling places: And thereafter at their Paroch Kirkes, that they take ſicker ſoveritie of them, ſik as they will ſtand for, to the Kingis Grace: And gif that the ſaidis perſones ſwa arreiſted, be not ſtreinzieable, that the Crowner arreiſt their gudes, and put the ſamin in ſure keiping, to the Kingis uſe, quhill the ſaid ſovertie be foundin: Or elſe take their perſones, and put them in the Kingis Caſtel, if ony be within the Schire: And gif there be na Caſtel to the Schireſſe of the Schire, according to the actes of Parliament maid thereupon of before: And failzieing thereof, the Crowners to anſwer to our Soverain Lord, for their unlaw.

6. *The maiſter ſuld anſwer for his man in the Juſtice aires.*

ITEM, It is ſtatute and ordained, that everie Lorde, Barronne, and Free-halder, anſwere in our Soveraine Lordis Juſtice aires, for his awin men, dwelling upon his awin proper landes, tackes, ſteadinges, rowmes and Barronnies within the Schire quhair he dwellis, and ſall be halden to enter them to the Law, or elſe to anſwere to the Kingis Grace for their unlaw, in all times cumming.

7. *The ſovertie may be called for aſſyithment to be maid to the partie.*

ITEM, It is ſtatute & ordained, that quhair ony perſon or perſones happenis to take them to our Soveraine Lordis remiſſiones, reſpet, or compoſition in the juſtice aires, or juſtice courts, for ony action, except ſlauchters, or mutilations, and finds ſovertie to aſſyith the partie: It ſall be leſum to the partie to call the ſaidis ſoverties, quhen they pleaſe, before the Lordes of Councel therefore: Quhilk actions ſall be priviledged to be called in all times, baith in the Seſſion, and out-with the Seſſion: Sick-like as recent ſpulzies. And as for ſlauchter and mutilation, to keip the ordour of the act maid thereupon of before.

8. *All Burning and fire-raiſing is treaſon.*

ITEM, Anent the artickles of ſlauchters, murthers, burninges: It is ſtatute and ordained, that the actes maid there-upon of before, and the auld lawes be keiped, with this addition, that quha cummis and burnis folkes in their houſes, and all burninges of houſes and cornes, and wilfull fire-raiſinges, be treaſon, and crime of leſe-majeſtie: Becauſe ſik deeds ar exorbitant, and mair againſt the commoun weill, then many uther crimes: And that particular Juſtice courtes, or general Juſtice aires, be ſet thereto, as ſall pleaſe the Kingis Grace, his Councell, and the juſtice for the time, with there conſent: Providing that it ſall be lieffull to ony man to perſew and follow commoun thieves and rebelles to take them: And gif they enter in ony houſe, that it ſall be leiffull to invade, breake, and deſtroy the ſaidis houſes, be fire, or utherwaies, to the intent and effect of taking or ſlaying of the ſaid commoun thieves or rebelles, for quhilk, there ſal follow upon the doers, na paine of accuſation, crime, nor offence, bot to be free thereof in all times.

FINIS.

THE FOURTH PARLIAMENT OF KING JAMES THE FIFTH.

Halden at Edinburgh, *the ſeventh daye of June, the zeire of God, ane thouſand, five hundreth, threttie five zeires.*

9. *Againſt them that ſuſteinis the proces of curſing, abone the ſpace of fourtie daies.*

ALSWA, Becauſe the damnable perſuaſions of Heretickes, and their perverſed doctrine, gives occaſion to lichtlie the proceſſe of curſing, and uthers Cenſures of Halie Kirk: For remeid hereof, our Soveraine Lorde, in this preſent Parliament, hes ratified and apprieved, and of the new, makis, conſtitutis, and ordainis, the acte maid of before be his grace, with the adviſe of the three Eſtaites of his Realme, in his foreſaid Parliament, againſt them that ſuſteinis contemnandly the proces of curſing, with new addition thereto, of the quhilk acte and addition the tenour followis.

ITEM, It is ſtatute and ordained, that becauſe mony and diverſe of the Kingis Lieges of this Realme, lyis under the horrible ſentence of curſing, ſeparate fra the Prayer of the Kirk, and merite of the bloude of Chriſt, to the damnation of their ſaules, evil example, perrell and danger of the uther gude ſubjectes of the Realme: Therefore quhen ony of our Soveraine Lords Lieges ſuſteinis damnablie the ſaid horrible ſentence of curſing, for the ſpace of fourtie daies, quhereupon Caption aucht to be given be the Law: The partie, at quhais inſtance the perſons ar curſed, ſall have our Soveraine Lordis letters to poynd, appriſe, and diſtreinzie their gudes moveable and un-moveable, for paymente of the ſummes, for quhilkis they lay under the ſaid ſentence, and gif the ſaidis perſones lyis under curſing be the ſaid ſpace, for none-doing or fulfilling of ony acte or deede: in that caſe the perſones their creditoures ſall have letters in the firſt, ſecond, thrid, and fourth formes, according to the Ordinares letters of curſing. And this acte alwaies to be na prejudice to them that likis to take captions: And albeit ane perſone may be under appellation, that may ſtop the giving of ſik letters, in maner abone written: It is declared and ordained, that na appellation fra ſentence of deſertion of appellationes before interponed, ſall ſtoppe the giving of ſik letters.

10. *For planting of wooddes, Forreſtes, and Orchardes.*

ITEM, For policie to be had within the Realme, in planting of wooddes, making of Hedges, Orchardes, zairdes, and ſawing of broome: It is ſtatute and ordained be the Kingis grace, and his three Eſtaites of Parliament, that the actes maid there-upon of before, be King *James* the Firſt, and uthers our Soveraine Lordis Progenitoures, be obſerved, keiped, and put to ſharpe execution in all poyntes, with this addition: That everie man Spiritual and Temporal, within this Realme, havand ane hunreth pounde land of new extent be zeir, and may expend ſameikle, quhair there is na wooddes nor Forreſtes, plant woodde and Forreſt, and make hedges, and haning for himſelfe, extending to three aickers of land, and abone or under, as his heritage is mair or les, in places maiſt convenient: And that they cauſe everie tennent of their landes, that hes the ſame in tack or aſſedation, to plant upon their on-ſet zeirly, for everie marke land, ane tree. Ilk Laird of ane hundreth pound lande, under the paine of ten pound, and leſſe or mair, after the rate & quantitie of their lands. And that inquiſition be maid zeirly hereupon, as the Kingis Grace ſall thinke it maiſt expedient: And that everie man begin and cauſe planting to be maid the nixt ſeaſon hereafter following, under the paines foreſaids, to be raiſed and in-brocht to the Kingis Grace uſe, be the Schireffe of the Schire, or quhom it pleaſis his Grace to direct his Commiſſion to in that parte, and that cognition be tane zeirlie of the breakers of this ſtatute, be everie Schireffe in his awin Schire, zeirly at his head court after *Paſche*.

11. *The painis of the deſtroyers of Wooddes, and makers of Mure-burne in forbidden time.*

ITEM, For the puniſhing of them that deſtroyis greene Woodde, in contrair the tenour of the acte abone written: It is ſtatute and ordained for keiping of the ſamin: That all deſtroyers of greene Woodde, be cutting, pealing, burning or felling, and ſik-like of all new haninges, ſall be accuſed therefore conforme to the

the actes and ſtatutes maid thereupon of before, and the paine thereof, ſall be in times cumming, for the firſt time ten pounde, the ſeconde time twentie pounde, and the thride time death. And ſiklike the unlaw of Mure-burne, after the Moneth of March, in contrair the auld actes and ſtatutes, ſall be in time cumming for the firſt time, five pound, the ſecond time, ten pound, and the thrid time twentie pound: And ſwa ſoorth at ilk time, als oft as they be foundin culpable, twentie pound. And gif they be not reſponſal in landes or gudes for the ſaid unlaw, their perſones to be put in the Kingis Grace priſon, to be puniſhed for their fault, induring his Grace will: And to be called heirefore at particular diettes, or general Juſtice aires, as the Kings Grace ſall thinke maiſt expedient. And it ſall not be leſum to the Theſaurers, or Compoſitoures in times cumming, to compone or fine with the breakers of this acte, for leſſe then the paine and unlaw conteined in the ſamin.

12. *Cattle or gudes found within Forreſtes, may be eſcheitted.*

ITEM, For keiping of all Forreſtes, Wooddes and Parkes, within the Realme, for wilde beaſtes and hunting: It is deviſed, ſtatute and ordained, that all maner of perſones, claimand them to have offices of heritage, or tackes of the Kingis Grace Forreſtes, ſall be called at ſik day and place, as pleaſis the Kingis Grace for production and ſchawing of their richtes and infeftmentes, be the quhilkis they claime the ſaidis offices to perteine to them, to be ſeene and conſiddered be the Lords of Councell, and quhat clauſe they conteine: ſwa that gude rule and ordour may be put to them, for keiping of the ſaidis Forreſtes in time cumming, with certification, that quhidder they compeir or not, the Kingis Grace with adviſe of his Lordes, will diſpone upon the ſaidis offices, and make ſik conſtitutions, as pleaſis his Hieneſſe, for the gude keiping of the ſame, paſturing of wilde beaſtes, and hunting there-intil in times cumming. And als ordainis letters to be direct, to command and charge all maner of perſones claimand the ſaidis offices, to perteine to them in heritage or tackes, that they let na maner of gudes, nolt, ſcheepe, horſe, meires, or uther cattle to be paſtured within the Kingis Grace Forreſtes, under the paine of tinſel of their offices, and eſcheitting of their moveable gudes. And gif ony maner of perſon be foundin putting their gudes in paſturing in the ſaidis Forreſtes, that they be taken and brocht to the Kingis Grace priſon, and their gudes foundin in the ſaidis Forreſtes, to be eſcheit to the Keepers thereof, and in-brocht, the twa part to the Kingis Grace uſe, and the thrid part to the keipers of the ſaidis Forreſtes. And gif they be negligent and foundin culpable, to be called and puniſhed therefore in their perſones and gudes, and tinſel of their offices. Aud gif there be ony Barronne or uther Landed man, outher Spiritual or Temporal, that hes haned wooddes or Forreſtes of their awin: It ſall be leiffull to them, and the keipers thereof, to eſcheit all ſik gudes, that beis foundin in maner foreſaid, within their Forreſtes, to their uſe.

13. *For breakers of dowcattes, cunningaires, parkes and ſtanckes.*

ITEM, It is ſtatute and ordained, that all they that breakis dowcattes, Cunningaires, Parkes, ſtanckes, and takis or ſtealis ſoorth of the ſamin, Daes, Raes, Cunninges, Dowes, Pykes, fiſh, Hives and Bees, without ſpecial licence of the awner thereof, ſall be called and puniſhed therefore, as for thieft at particular diettes: And this acte to extend to them that ar airt, part, or gives aſſiſtance to ſik miſdoers.

14. *Of ſlaying of Hares.*

ITEM, It is ordained, that the act maid of before, for ſlaying of Hares, be obſerved and keiped in all poyntes.

15. *The life-renters, and the Wardatars, ſuld finde caution to the proprietares and minors.*

ITEM, Becauſe it is un-profitable & inutile, to make lawes and ſtatutes for policie to be had, without the ſame be keiped: And becauſe ſik ordour and proviſion, as is deviſed for policie, may failzie be falling of landes in warde, or giving of the ſamin in conjunct-fee or life-rente: Therefore the Kingis Grace, with adviſe of his three Eſtaites, ordainis the acte maid thereupon, be the maiſt excellent Prince, King *James* the fourth, his Father of maiſt noble mind, to be obſerved and keiped in all poyntes, ratifies and apprievis the ſamin. And that all Schireffes, Stewardes, Baillies, and uther officiares, baith in Regalitie and Royaltie, and ſik-like Spiritual men within their landes, and to Burgh, put the ſamin to execution in all poyntes: That is to ſay, All Officiares within the Royaltie, and Lordes of Regalities, under the paine, of refounding to the heritoures of ſik landes fallen in warde, at their perfite age, of all damnage and ſkaith, that they ſall happen to ſuſteine throw their negligence (they being required thereto be the perſone, that is in warde or his friends.) And if the wardatours, Ladies of conjunct-fee, or life-renter of ſik landes, refuſis to finde ſovertie conforme to the ſaid act (they being required thereto) be the Scireffe, Baillie, Stewart, Proveſt, or Alderman in Burgh: That the ſaid Schireffe and Officiares, ilk man within his awin boundes, charge them to finde the ſaid ſovertie, conforme to the ſaid acte perſonally, or be open proclamation at the head Burgh of the Schire, quhair the ſaids landes lyes, within twentie ane daies, nixt after they be charged thereto, under the paine of wanting of the profite of all ſik warde-landes, conjunct-fee, and life-rentes, to

be

be in-brocht to the Kingis uſe, ay and quhill the ſaid caution be ſufficiently foundin. And that the Lordes Auditoures of the Checker, and Theſaurer for the time, inquire diligently in everie Checker, that all Schireffes and uthers Officiares fore-ſaid, at the making of their compts, gif the ſaid caution be ſufficientlie foundin, and get certification thereof.

16. *Of read-fiſh, Smoltes, and of ſlaying of Salmond in forbidden time.*

ITEM, Our Soveraine Lorde, ordainis the actes maid upon them that ſlayis reade fiſh, Smoltes, and Salmonde in forbidden time, and the paines conteined in the ſame, to be put to ſharp execution, with this addition following: that is to ſay, it ſall not be leſum to the theſaurer and compoſitoures in times cumming, to compone or fine in Judgement, or out of Judgement, with the breakers of the ſaidis actes, for leſſe then the paine and unlaw conteined in the ſamin. And that dittay be tane upon all them that ar airt and pairt, cauſers or receipters of the ſlaying of the ſaid reade fiſh, Smoltes and Salmonde in forbidden time, ſik-like as upon the principall ſlayers thereof. And becauſe the lang delay of Juſtice aires, gives greate occaſion of the breaking of the ſaidis actes: Therefore the Kingis Grace ſall ſend ane Commiſſion generally, with the Juſtice Clerke, and ſik uther perſones, as ſall pleaſe his Grace to depute thereto, for halding of particular diettes zeirly, in the places quhair the ſaid fiſh ar ſlaine, & ordainis all ſik perſones to be arreiſted to the firſt aire, to compeir under the paine of rebellioun and putting of them to the horne, and gif they compeir not, to put them to the horne, and denunce them our Soverain Lordis rebelles: And that ſik ordour of arreiſtment of ſik perſons be keiped, as it were in a general aire.

17. *Of Cruves and zaires.*

ITEM, That the acte maid be our Soveraine Lordis Father, quhome God aſſoilzie, and uthers his Progenitoures, anent the halding of cruves and fiſh zaires, be obſerved, keiped, and put to execution in all poyntes, with this addition: that the receipters and aſſiſters to ſik perſones, incur ſik-like paine as the principalles. And that ſik-like proces be had againſt them, as is deviſed and ſtatute againſt the ſlayers of read-fiſh, Salmond and Smoltes.

18. *For hoſtellares and travellers in the Cuntrie.*

ITEM, It is ſtatute and ordained, that the Actes maid of before, be King *James* the Firſt, and uthers our Soveraine Lordis Predeceſſores be obſerved, keiped, and put to execution in all poyntes. And for eſchewing of exorbitant prices tane of the Kingis lieges, travelland throw the Realme, and of the prices of victualles, fleſh and fiſh: It is ordained, that letters be direct, to commande and charge all Proveſtes, Aldermen, Baillies and Officiares of Burrowes, baith to Regalitie and Royaltie, and als Lordes and uthers Barronnes, that hes Burgh in Barronnie, aub hoſtellares on their landes: that they cauſe hoſtellares baith to Burgh and to lande, ilk man within himſelfe, and boundes of his Office: To have honeſt chalmers and bedding, for receiving of all paſſengers and ſtrangers, paſſand and travelland throw the Realme, weill and honeſtlie accultered, with gude and ſufficiente ſtables, with heck and manger, corne, haye, and ſtraa, for their horſe, fleſhe, fiſh, breade and aile, with uther furniſhing for travelloures, to be ſaulde upon ane competent price, and ſik-like ſtuffe, as is ſauld commounly in the cuntrie about, quhair ſik hoſtellares dwellis. And that they ſet zeirly prices thereupon, as the ſaid hoſtellares may live and ſuſteine their ludgeinges, under the paine to be called, and puniſhed therefore, at the Kingis Grace will. And that dittay be tane hereupon, upon the breakers of this ſtatute, to be called at general Juſtice aires, or uther particular diettes, quhen the Kingis Grace pleaſis.

19. *Of ſtudes and ſtude places.*

ITEM, It is ſtatute and ordained, for the commoun weill of the realme, that all manner of perſones haveand ſtudes and ſtude places, within this Realme, make the ſamin to be pleniſhed with ſtude meires, and greate ſtallounes, for furniſhing of Horſe to all manner of perſones within the Realme.

20. *That no man ſell Nolt nor ſcheep to* Engliſh-men, *nor ſend victualles, fiſh, nor ſalt in* England.

ITEM, Becauſe ane greate part of the Realme, and ſpecially neare the Bordoures, hes bene thir mony zeires by-gane, in our Soveraine Lordis leſſe age unpleniſhed, and ane great part of the In-land ſpuilzied of their gudes, and the ſame had and ſauld in *England*, be the thieves and traitoures, quhair-throw all maner of ſtuffe hes growen to ane great price and dearth: And now our Soveraine Lorde, putting ordour of juſtice, reſt, and tranquillitie amangſt his Lieges, and that plentie of gudes may grow amangſt them: Hes ordained and ſtatute, with the adviſe of his three Eſtaites in Parliament, that na maner of men in time cumming, ſell Nolt, Scheepe, or uther cattle, auld nor zoung, to ony *Engliſh-men* be himſelfe, or ony uther mediate perſon, nor have or ſende the ſamin in *England* to be ſauld: And that na maner of men ſend into *England* victualles, fiſhe, or ſalt, under the paine of confiſcation of all their moveable gudes. And that all

Wardens

Wardens, Proveſtes, Baillies of Townes, and keipers of Portes and Havens within the Realme, make diligent ſearch and ſeeke the breakers hereof, under the paine of tinſel of their offices, and priſoning of their perſones zeire and day, induring the Kingis Grace will. And gif ony *Engliſh-man* will cum into this Realme, with their Schippes, to bye victualles, fiſh or ſalt, the Kingis Grace ſall grant to them his ſafe-conduct to do the ſamin, if his Grace thinks the ſamin expedient; And the ſaide ſafe-conduct being obteined: It ſall be leaſum to all Merchandes, and uthers within the Realme, to ſell ſik merchandice to the ſaidis *Engliſh-men*, for gold and ſilver, or to bartour with uther gudes ſufficient Merchandice.

21. *Fore-ſtallers.*

ALSWA, It is ſtatute and ordained, that na Fore-ſtallers be foundin byeand victualles, fiſh, fleſh, or uther ſtuffe, or the ſamin be preſented to the mercat, nor zit into the mercat, or the time of day, ſtatute and ordained thereto, under the paine of priſoning of their perſones, and eſcheitting of all ſik gudes coſt or arled be them, that is to ſay, the twa part to the Kingis Grace, and the thrid part to the Schireffe or Officiar of the Schire, Proveſtes, Baillies, and Officiares of the Burrowes, or to ony uther that findis them doing in the contrair hereof.

22. *All Beggers ſuld begge within their awin Paroch, and have the marke thereof.*

ITEM, For refraining of the multitude of maiſterfull and ſtrange beggers: It is ordained, that the acte maid thereupon of before, be King *James* the Firſt, apprieved, and ratified be uthers our Soveraine Lordis Predeceſſoures, be obſerved, keiped, and put to ſcharpe execution in all poyntes, with this addition: That na beggers be thoiled to beg in ane Parochin, that ar borne in ane uther, and that the headeſmen of ilk Parochin, make takinnes and give to the beggers thereof, and that they be ſuſteined within the bounds of that Parochin, and that nane uthers be ſerved with almous within the bounds of that Parochin, bot they that bearis that takinne allanerlie, under the pains conteined in the ſaid acte. And that the Juſtice Clerke make inquiſition, and take dittay hereupon at everie Juſtice aire. And als ordainis letters to be direct to command and charge the Proveſt and Baillies of *Edinburgh*, and all uthers Proveſtes, Baillies of Burrowes, Schireffes, and uthers Officiares of the Kingis, to put this acte to execution in all poyntes, and the ſamin to be publiſhed at all places neidfull, ſwa that nane ſall pretend ignorance, or alleage they knew not the ſamin in time to-cum.

23. *The maiſters of the Girth, ſuld make deputes, quha ſuld deliver male-factoures, that may not bruik the priviledge thereof.*

ITEM, For the mair haſtie expedition, and puniſhing of them that committis ſlauchter upon fore-thoucht-fellonie, and flyis to Girth, conforme to the acte of Parliament maid thereupon of before, quhilk oft-times takis nane effect, throw pretenſe of excuſe of the maiſters thereof, Spiritual men that will not deliver the ſaidis treſpaſſoures to OUR SOVERAINE LORDIS Officiares, conforme to the tenour of the ſaide acte: Herefore it is ſtatute and ordained be the KINGIS GRACE, with adviſe and conſente of the three Eſtaites of Parliamente, that all Maiſteres of Girthes within this Realme, ſall make ſufficient reſponſal men, Baillies or Maiſteres of Girthes, under them, dwelland at the ſaidis Girthes or neare thereby, quha ſall be halden in all times cumming, to deliver all Committers of ſlauchter upon fore-thocht-fellonie, that flies to Girth, and uthers treſpaſſoures that breakis the ſamin, and may not bruik the priviledge thereof, conforme to the commoun Lawe, and Acte of Parliamente foreſaide, to OUR SOVERAINE LORDIS Officiares, askand and deſirand them to underly the Lawe, conforme to the ſaide Acte of Parliament. And gif the ſaidis Baillies failzies there-intill, to be rigorouſlie puniſhed for their contemption, in their bodies and gudes, at OUR SOVERAINE LORDIS will. And that all Maiſteres of Girthes, Spiritual men, ſende to the Juſtice Clerke, the names of their Baillies and Maiſters of Girthes depute, and to be depute be them, that quhen ony ſik crimes ar committed and done, that Letters may be direct to all Schireffes, Baillies, or Stewartes, within quhais boundes the ſaidis Gyrthes ar, to charge the ſaids Baillies or maiſteres, to deliver to them the ſaidis treſpaſſoures, conforme to the acte of Parliament.

24. *Anentis Merchandes that ſaillis in-contrair the Actes maid of before.*

ITEM, It is ſtatute and ordained, be the Kingis Grace, and the three Eſtaites of Parliamente, that the Acte and ſtatute maid be umquhile OUR SOVERAINE LORDE, King JAMES the Thrid: And als ratified and apprieved, be umquhile OUR SOVERAINE LORDE that laſt deceaſed, of gude minde, quhom God aſſoilzie: touching merchandes paſſand with their merchandice foorth of the Realme, to *France*, *Flanders*, or ony uther partes: That na merchand ſaill, without he have ane halfe laſte of gudes of his awin, or elſe in governance, as factour to uther Merchandes, Be put to execution in all points, in time to cum, after the forme and tenour of the ſamin. And ratifies and apprievis the ſaid acte and ſtatute now in this preſent Parliament. And attour, ordainis the Proveſt or Baillies of Burrowes,

ſituate at ilk Porte of the Realme, to ſearche and ſeeke the perſones, breakers of the ſaidis ſtatutes: And that they diſtreinzie ilk perſon breaker thereof, for the ſumme of twentie pound, to be applyed on this wiſe. That is to ſay, th'ane halfe to OUR SOVERAINE LORDS uſe, and th'other halfe to the Proveſt or Baillies for their laboures: And that they make compt thereof zeirly in the Checker. And gif the Proveſt or Baillies be negligent in the exercing of their Offices, and power given to them: they ſall be obliſhed to pay the ſaid paine of twentie pounde for everie man, that paſſis and ſaillis in contrair the ſaide acte at that Porte, quhair they have juriſdiction: And als it is ordained, that na Schipper, Maiſteres, awners of Schippes, receive onie Merchande to ſaille in their Schippes, without they have the names of them in Tickettes, ſubſcribed be the ſaidis Proveſt and Baillies handes, under the paine foreſaide for ilk perſoun that they receive in their Schippe, and that OUR SOVERAINE LORDIS Cuſtomers, or ony uthers, that pleaſis; accuſe the ſaids Proveſte and Baillies, gif they be negligent in the premiſſes, zeirly at the Checker. And letters to be direct hereupon in dew forme, as effeiris. And als, that letters be written to the Conſervatour of the Nation in *Flanders*, conteinand the effecte of this acte, chargeing him to ſend hame the names of all Merchands reſortand there in everie Schip, in contrarie the tenour of the ſaid acte, to the Theſaurer, under the paine of tinſel of his office.

25. *That na Schip ſaill with Staple gudes fra* Simons *day and* Judes, *quhill* Candle-mes.

ITEM, Our Soveraine Lord ordainis, the acte maid be King *James* the Second, be the quhilk it is ordained, that na Schip be frauchted out of the Realme with ony ſtaple gudes, fra the feaſt of *Simons* day and *Judes*, unto the feaſt of the *Purification* of our *Lady*, called *Candle-mes*, be obſerved, keiped, and put to execution in all poyntes, with this addition: That the paine of them that cummis in contrair hereof, ſall be in times cumming, twentie pound, to be raiſed of ilk perſon, breakers of the ſaid acte: Except it ſall be leiffull to ſend ony kinde of Merchandice foorth of the Realme, in the time foreſaide, in ony Schippes that bringis in Salt or Wine.

26. *Of the chuſing of Officiares in Burgh, and bringing of the compts of their commoun gudes zeirly in the Checker.*

ITEM, Becauſe all our Soveraine Lords Burrowes ar put to povertie, waſted, and deſtroyed in their gudes and policie, and almaiſt ruinous throw fault of uſing of Merchandice, and that throw being of Outlandes men, Proveſt, Baillies, and Aldermen within Burgh, for their awin particular weill, in conſuming of the commoun gudes of Burrowes, granted to them be our Soveraine Lord, and his Predeceſſours, Kings of *Scotland*, for the uphald of honeſtie and policie within burgh: It is herefore ſtatute and ordained, that na man in time cumming, be choſen, Proveſt, Baillies, or Aldermen into Burgh, bot they that ar honeſt and ſubſtantious Burgeſſes, Merchandes, and indwellers of the ſaid Burgh, under the paine of tinſel of their freedome, quha dois in the contrair. And that na man dwelland within Burgh, purchaſe Lordſhip out of Burgh, in ony his action or quarrell, to moleſt, trouble, or give feare and dreddour to his Nichtbour and partie, under the paine conteined in the actes and ſtatutes maid thereupon of before. And that all Proveſtes, Baillies, and Aldermen of Burrowes, bring zeirly to the Checker, at the day ſet, for giving of their compts their compt buiks, of their commoun gudes, to be ſeene and conſiddered be the Lords Auditours, gif the ſamin be ſpended for the commoun weill of the Burgh, or not, under the paines foreſaids. And that the ſaidis Proveſt, Baillies, and Aldermen of everie Burgh warne zeirly, fifteene daies before their cumming to the Checker, all they quha likis to cum, for the examining of the ſaidis compts, that they may argune and impugne the ſamin, as they pleaſe, ſwa that all murmure may ceaſe in that behalfe.

27. *That na man trouble nor moleſt Proveſt, Aldermen, Baillies, and Officiares within Burgh.*

ITEM, It is ſtatute and ordained, that na man, Earle, Lorde, Barronne, or uther of quhat-ſum-ever degree about and adjacent Nichtboures to Burrowes, moleſt, trouble, nor inquiet the Proveſt, Aldermen, Baillies and Officiares of Burrowes, and Merchandes thereof, in uſing of their Franchies, liberties, and priviledges, granted to them be our Soveraine Lord, and his Predeceſſoures, Kingis of *Scotland*, and in contrair the acts and ſtatutes maid thereupon, under the paine to be called and accuſed as commoun oppreſſoures of our Soveraine Lordis Lieges, at Generall Juſtice aires, or private diettes, and Juſtice courtes, as ſall be thocht expedient be the Kingis Grace: And that the Juſtice Clerke take inquiſition and dittay hereof, as effeiris.

28. *That na man ride, bot in ſober maner.*

ITEM, It is ſtatute and ordained, that becauſe there hes bene great inconvenients and trouble wrocht in the cuntrie, be great perſones, throw convocation of the Kingis Lieges, at courts and gadderings, that therefore na perſons take upon hand to ride to ſik courts and gadderings, with maa perſones, then they may ſuſteine in houſhalde dailie, excepte that it ſall be leiffull to Schireffes, Stewardes, Baillies, and utheris the Kingis Officiares, to ride with greater number, for the execution of Juſtice, and foorth-bearing of the

Kingis

Kingis authoritie. And quha ſo dois in the contrair, ſall be called therefore incontinent, at our Soveraine Lordis inſtance, to be puniſhed therefore in his perſon and gudes, at his Hieneſſe will.

29. *For Malt-makers.*

ITEM, Becauſe our Soveraine Lordis lieges, inhabitants in the Burgh of *Edinburgh*, and uthers repairand thereto, ar greatlie oppreſſed and injured be the Malt-makers of *Leith*, and uthers, within and about the ſaid Burgh, in ſelling of their malt to hie and exorbitant price, for foure, five, or ſex ſhillinges higher, then they bye the Beare: Therefore it is ſtatute and ordained, that the ſaidis Malt-makers in time cumming, ſall make and ſell their Malte for competent winning, takand twa ſhillinges allanerly mair for the boll of Malt, then the boll of beare is ſauld, and not abone: with certification, that quha cummis in the contrair hereof, That the Proveſt and Baillies of *Edinburgh*, ſall eſcheit the ſaid Malt: And the ſaide Malt-makers takand mair then twa ſhillinges for the boll, abone the boll of beare, quhilk ſall make the different price, ſall be called and puniſhed therefore, as oppreſſoures of the Kings lieges, and particular Juſtice Courtes ſall be ſet to them therefore. And our Soveraine Lorde ſall give Commiſſion to ſik as pleaſis his Grace beſte, to call all the ſaide Malt-makers, breakers of this ſtatute and acte, before them in the Tolbuith of *Edinburgh*, to do Juſtice upon them, as they thinke expedient: And to cauſe the ſaid acte and ſtatute to be obſerved, and keiped in all poyntes.

30. *Of Craftef-men, Browſters, ſellers of ſalt and victual within Burgh.*

ITEM, Becauſe the great oppreſſion dailie done upon our Soveraine Lordis lieges, be Cordoners, Smithes, Baxters, Browſters, and all uther Craftef-men, ſellers of victual and ſalte, compelland them to pay for their ſtuffe and warke-manſchip exorbitant prices, to the greate skaith of all our Soveraine Lords Lieges, bringand ſik dearth in the Cuntrie, that the ſamin may not be ſuſteined: And for remeid hereof: It is ſtatute and ordained, that our Soveraine Lord, ſall give ane commiſſion to certaine his Lords and uthers, quhom his grace pleaſis beſt, to ſit, and with them the Proveſt of *Edinburgh*, and make ſik ſtatutes and ordinances, as they ſall thinke maiſt expedient for the commoun weill, to cauſe all Craftef-men within the Towne of *Edinburgh*, and uthers of the Realme, to make gude and ſufficient ſtuffe, and ſell the ſamin of ane competent price, and to take competentlie for their warke-man-ſhip and laboures gif they woorke ane uther mannis ſtuffe and mater. And to make all ſellers of victual or ſalt, to ſell the ſamin of ane gainand price without dearth: And quha dois in the contrair, to puniſh them with all rigour, and the ſaids Commiſſioners to do Juſtice upon the breakers of their ordinances, als oft as they heare murmure or complaint thereof, and to puniſh them in their gudes, as they finde the greatneſſe of the faulte, as effeiris.

31. *That na man ſaill into* Flanders, *bot twiſe in the zeir.*

ITEM, It is ſtatute and ordained, for the honeſtie of the Realme, weill and profite of all our Soveraine Lordis Lieges, and ſpeciallie his Burrowes and Merchandes of his Realme, that na Schip be frauchted, nor Merchandes ſaill therein, with their gudes and merchandice foorth of the Realme in *Flanders*, bot twiſe in the zeir, that is to ſay, to the *Paſche* mercat, and *Rude*-mercat, under the paine of ilk perſon cummand in the contrair hereof, twentie pound, to be raiſed and in-brocht to the Kingis Grace uſe.

32. *The life-rent of all vaſſalles, being zeir and day at the horne, perteinis to the immediate Superiour.*

THE Quhilk day, in the mater referred be the Lordes of Seſſion to the Lordes and three Eſtaites of Parliament, for interpretation of certaine Lawes of the Realme, ſchawin and produced before the ſaidis Lordes of Seſſion, in ane action mooved before them, and zit dependand be *James Kennedie* of *Blairquhan*, againſt *Thomas Makclellane* of *Gyleſtoun*, for the mailles and dewties of the landes of *Caſtel cruik* and *Killimanoch*, with the pertinents, lyand within the Schireffedome of *Wigtoun*, perteinand to the ſaid *Thomas* in heritage, halden of the ſaid *James* immediatlie in chiefe: and throw his being at the horne attour zeir and day, The mailles and dewties of the ſaids lands, be the Lawes of the Realme, perteinis, and ſuld perteine to the ſaid *James*, for the ſaid *Thomas* life-time. And becauſe the ſaidis Lawes were variant in their ſelves, and therefore were referred to the interpretation of the Eſtaites of Parliament, gif the ſamin concernis ſimple ſlauchter or not, and ſuld have place in that mater or not, as at mair length is conteined in the acte maid hereupon, of the dait at *Edinburgh*, the fourth day of *March*, the zeir of God, ane thouſand, five hundreth, threttie foure zeires: Baith the ſaidis parties being perſonallie preſent with their Procuratoures and Fore-ſpeakers, the ſaidis Lawes and uthers their reaſones and allegations being heard, ſeene, and underſtandin, the Lords of artickles being ripelie adviſed therewith: finds that the uſe in times by-gane, hes bene, that the mailles and dewties of the landes of them that hes bene zeir and day at the horne, halden of uther Superiours then the Kingis Grace, zeir and day being by-paſte, returned againe to the Superioures of the ſaidis landes, for the life-time of them that ſuſteined ſik proces of horning zeir and day; as

ſaid is: except crimes of treaſon, and leſe-majeſtie. And findis that the ſaidis Lawes ſuld be ſa interpreted and uſed in times cumming.

33. *Juſtice aires ar peremptour at the ſecond diette.*

ITEM, Our Soveraine Lord, with adviſe of his three Eſtaites of Parliament, ratifies and apprievis the acte and ſtatute maid of before in his Hieneſſe Parliament, halden at *Edinburgh*, the tenth day of *Julij*, the zeir of God, ane thouſand, five hundreth, and twentie five zeires, anentis the ſetting of Juſtice aires to the ſeconde aire, as aire and court peremptour and uther poyntes conteined in the ſamin, with correction and addition, as after followis. ITEM, It is ſtatute and ordained in this preſent Parliament, becauſe the proces of Juſtice aires, is ſa lang and prolixt, that in mony zeires, parties that ar hurte and grieved, gettis na Juſtice, treſpaſſes and crimes paſſis unpuniſhed, quhilk is occaſion of mony perſones to commit crimes, traiſting na haſtie punition or correction: That therefore in time to cum, the proces of Juſtice aires and Juſtice Courtes be peremptour at the ſeconde aire or Courte, ſwa that fugitives not compeirand at the ſeconde aire or court, ſulde be, and ſall be denunced Rebelles, and put to his Horne, and all their gudes his eſcheit.

34. *The Crowner may arreiſt fugitives at their dwelling places, and the Paroch Kirk.*

AND ALS, Becauſe mony perſones indicted to Juſtice aires, ar charged with ſovertie to Juſtice Courtes, uſis to abſent them and flee, and may abſent them and flee, ſwa that Crowners cannot apprehende them perſonally to arreiſt them: In that caſe in all times to cum, it ſall ſuffice the Crowner to cum to the dwelling place of the perſones indicted, and there make them warning and charge, that they compeir in the Juſtice aire, then nixt to follow, to anſwere to ſik accuſations of crimes as ſall be impute to them: And thereafter upon the nixt *Sunday* or Feſtival day following the ſaide charge, that the Crowner make open and publicque intimation of his warning, charge, and premonition, maid to the ſaidis perſones be their names, in their Paroch Kirkes, quhilkis charges, premonitions, and intimations ſall ſtande to them for ſufficient arreiſtmentes, the Crowner prievand the ſamin be his aith, and ane witneſſe, as auld conſuetude is. And in likewiſe, the Kings Officiares makand warning to private Juſtice courtes of ony perſones, for ony crimes not deſervand rebellion: In caſe of none-finding of ſovertie, that they keipe the ſamin ordour and proces, quhilk ſall be halden and repute for ſufficient ſovertie foundin, under the paine of lawe, the action not be-and for ſlauchter nor mutilation: And ordainis the Juſtice Generall, upon ony maner of crimes, committed, or to be committed, to ſet Juſtice courtes particular, quhen neede is, for punition of particular faultes and crimes that occurris, ſik as recent ſlauchter, mutilation, fire, raviſhing of women. And as for depredations, maiſterfull rieſes, and ſpuilzies, that particular diettes be ſet therefore, at the diſcretion of the Lordes, the mater being firſt civilie decided before them.

35. *The perſewer ſuld finde caution for reporting the letters.*

AND Becauſe divers perſons in times by-gane, hes raiſed ſiklike letters to particular diettes, and hes abſented baith themſelves and the letters and hes not cum to perſew their actions, and there-throw hes abuſed the Juſtice, and brocht the cuntrie to greate expenſes. For remeid hereof: It is ordained, that in times cumming, the keipers of the Signet, ſall anſwere na letters for calling of ony perſones and parties, to ſik particular diettes: bot gif the ſamin be ſubſcrived with the Clerke, writer to the Signet, and Juſtice Clerk, and his deputes: And that the Juſtice Clerk, or his deputes, ſall take ſicker ſovertie of the parties purchaſſers of ſik letters, that they ſall bring the ſamin againe to them, or the day ſet thereto, dewlie execute and indorſat, under the paines conteined in the letters, that the parties called upon.

AND Gif ony perſones be called upon mutilation, and the ſamin be foundin na mutilation: The partie perſewer, ſall content and pay the unlaw of ten pound, leſſe or mair, to the partie perſewed, and expenſes to the aſſiſe, at the diſcretion of the Juſtice, and his aſſeſſoures. And gif ane partie callis ony multitude for ſlauchter, mutilation, or uther crimes at ſik particular diettes, quhair by the innocentes, ar put to great trouble, charge, and expenſes, and it be foundin that the ſaid multitude is innocent of the dead, the partie perſewer ſall pay ane unlaw of ten poundes, leſſe or mair, to the partie perſewed, and expenſes to the aſſiſe, at the ſight and diſcretion of the Juſtice, and his aſſeſſoures, as they thinke cauſe: And gif the purchaſſers of ſik letters, be not reſponſal in gudes, for payment of the ſaid expenſes, their perſones ſall be put in priſon, and there to remaine, zeir and day, and further induring the Kingis Grace will.

36. *The addition of the acte of curſing.*

ITEM, It is ſtatute and ordained, for augmenting, ſtrengthening and helping of the acte maid upon curſed folkes, and giving of the Kingis letters thereupon, and to meete frivole appellations: That the Kingis letters ſall have place to poynd and diſtreinzie &c. Suppoſe it be dewlie appealed, zeir and day being by-paſt, the appellant not bringand hame his Commiſſion, within zeir and day, *Ceſſante juſto impedimento.* And the partie quhome fore the Kingis letters ſall happen to be given, findand ſufficient caution before the Lordes of Councel, to reſound the gudes and geare, that ſall happen to be poynded, be vertue of the ſaidis letters,

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gif it ſall happen the ſentence quhair-upon the ſaidis letters ſall be given, to be retreated be the judge delegat, notwithſtanding ony appellation therefra, the partie appellant beand warned and called, to heare the ſovertie and caution tane: And that the partie appellant, ſchawand before the ſaidis Lordes, the ſentence retractatour, letters be direct, to poynde the ſaidis ſoverties therefore.

FINIS.

THE FIFTH

PARLIAMENT

OF

KING JAMES THE FIFTH,

Halden at Edinburgh, *the XVII. day of Maij, the zeir of God, Ane thouſand, five hundreth, threttie ſeven zeires.*

36. *The inſtitution of the College of Juſtice.*

ITEM, Anent the ſecond article, concerning the ordour of Juſtice, Becauſe our Soveraine Lord is maiſt deſirous to have ane permanent ordour of Juſtice, for the univerſall weill of all his Leiges: And therefore tendis to inſtitute ane College of cunning & wiſe men, baith of Spiritual & Temporal Eſtate, for doing and adminiſtration of Juſtice in all civil actions: And therefore thinkis to be choſen certaine perſones maiſt convenient, and qualified thefore, to the number of fourteene perſones, halfe Spiritual, halfe Temporal, with ane Preſident: The quhilkis perſones ſall be authorized in this preſent Parliament, to ſit and decide upon all actions civil, and nane uthers to have vote with them, unto the time the ſaid College may be inſtitute at mair leaſure.

37. *The place quhair to ſit in, and of the Feriat times.*

AND Thir perſones to beginne and ſit in *Edinburgh*, on the morne after *Trinitie* Sunday, quhill *Lamb-mes*: And thereafter to have vacance, quhill the nineteene day of *October* nixt after, and then to begin and ſit quhill *Saint Thomas* Even afore *Zule*, and thereafter to begin on the morne after *Epiphane* day, and ſit quhill *Palme-Sunday* Even, and thereafter to beginne upon the morne after *Dominica* in *Albis*, and ſit quhill *Lamb-mes*.

38. *The Lordes to be ſworne.*

AND Thir perſones to be ſworne to miniſter juſtice equallie to all perſones, in ſik cauſes as ſall happen to cum before them, with ſik uther Rules and ſtatutes, as ſall pleaſe the Kingis Grace to make, and give to them, for ordouring of the ſamin.

39. *The authorizing in Parliament.*

THE Three Eſtaites of this preſent Parliament, thinkis this artickle weill conceived: And therefore the Kingis Grace, with adviſe and conſent of the ſaidis three Eſtaites, ordainis the ſamin to have effect in all poyntes, and now ratifies and confirmis the ſame, and hes choſen thir perſones under-written, to the effect foreſaid, quhais proceſſe, ſentences and decreetes, ſall have the ſamin ſtrength, force and effect, as the decreete of the Lordes of Seſſion had, in all times by-gane.

40. *The authoritie of the Chancellar and Lordes.*

PROviding alwaies, that the Lorde Chancellar being preſent in this Towne, or ony uther place, he ſall have vote, and be principal of the ſaid Councel. And ſik-like uther Lordes, as ſall pleaſe the Kingis grace to injoyne to them of his greate Councel, to have vote ſiklike, to the number of three or foure.

41. *The names of the Lordes.*

THAT Is to ſay, the Abbot of *Cambuskenneth* Preſident, Maiſter *Richard Both-well*, Schir *John Dingwell*, Maiſter *Henrie Quhite*, Maiſter *Robert Schanwel*, Vicar of *Kirk-caldie*, Maiſter *William Gibſone*, Maiſter *Thomas Hay*, Maiſter *Arthure Boyce*, The Laird of *Balwerie*, Schir *John Campebel*, Maiſter *Adame Otterburne*, *James Colvil* of Eaſt *Weemes*, *the* Juſtice Clerke, Maiſter *Frances Bothwell*, Maiſter *James Lawſon*. And thir Lordes to ſubſcrive all deliverances, and nane uthers, after they begin to ſit, and miniſter Juſtice.

42. *The Chancellar and Preſident, to receive the aithes of the Lordes abſent.*

ITEM, The ſaid day the Kings Grace hes committed his power to the Lord Chancellar and Abbot of *Cambuſkenneth* Preſident, conjunctlie and ſeverallie, to receive the aithes of them that ar abſent, choſen, and named to be of this *Seſſion*, and in their abſences the aithes of ony uther, quhom his Grace will name thereto, gif the ſaidis perſones choſen cummis not betuixt this and *Satterday* nixt-to-cum. And in abſence of the Lord of *Cambuſkenneth*, Preſident, the Kings Grace hes choſen the Abbot of *Kinloſſe* to miniſter therein, quhill his returning.

43. *The Chancellar, Preſident, and Lordes of the Seſſion, to make the ordour how it ſall be proceeded in their Seſſion.*

ITEM, His Grace hes given command to the Chancellar, preſident, and Lordes of the Seſſion, to adviſe, Councel, and conclude upon ſik rules, ſtatutes, and ordinances, as ſall be thocht be them expedient to be obſerved and keiped in their maner and ordour of proceeding at all times. And as they deviſe, conforme to reaſon, equitie and Juſtice, his Grace ſall ratifie and apprieve the ſamin. And ordainis the ſaidis Lordes of Seſſion, to keip all thir aucht daies cummand, in adviſing and making of their rules and inſtitutes, for the ordour of Juſtice: And after the forme of the ſamin, to begin and call maters on *Mononday* nixt-to-cum. And in the meane time, to deliver billes, and call priviledged ſummoundes, as they thinke expedient.

44. *The diviſion of the Realme quarterlie.*

IN The firſt, it is deviſed and ordained, that the Lordes of the Seſſion ſall begin quhair they left laſt in calling the Table: And that the priviledged ſummoundes of everie quarter, ſall be tabulat with the un-priviledged ſummoundes of that quarter: And all to be called, and have proces baith upon priviledged and un-priviledged, quhill that diet or quarter be ended: And to begin quarter after quarter, as after followis: And thir Schires to be in the firſt quarter, that is to ſay, *Forfar*, *Kincardin*, *Aberdene*, *Bamffe*, *Elgm*, *Forreſſe*, *Narne*, *Innernes*, and *Crommartie*: The ſecond quarter, *Edinburgh*, *Linlithgow*, *Selkirk*, *Roxburgh*, *Peblis*, *Berwick*, and *Hadingtoun*: The third quarter, *Striviling*, *Aire*, *Renfrew*, *Lanark*, *Wigtoun*, *Drumfreis*, *Kirk-cudbricht*, and *Aannandale*. The Fourth quarter, *Fife*, *Perth*, *Clackmannan*, *Kinros*, *Dumbartane*, *Ergyle* and *But*.

45. *That all ſummoundes priviledged, be called on* Mononday *oulklie quhilk followis, and horning all times.*

ITEM, It is deviſed and ordained, that thir ſummoundes under-written ſall be priviledged, and to be called by the ordour of the diettes, that is to ſay: recent ſpuilzies, calling of letters, redeeming of landes, actes of adjornall, ſuperiours to hear them decerned to tine their ſuperiorities, reduction of inordinate proceſſe, that is to ſay, retreating of Rolmentes of courtes, led before Schireffes, Barronnes, Baillies, retreating of decreetes, and transferring of decreetes: And thir to be called be themſelfe, and to be called oulklie upon *Mononday*. And gif *Mononday* beis halie-daie, to have proces on the nixte day thereafter: And all thir to be called, except letters that concernis horning, quhilkis ſall have proces at all times, as they cum.

45. *That all the commoun maters be called on all the daies of the oulk, except Friday, for the Kingis maters, and ſtrangers, and the Queenis maters.*

ITEM, All uther maters to be called be the ordour of the Table, upon all the daies of the oulk, except Friday, quhilk is aſſigned for the Kingis maters, and the maters of ſtrangers. And gif the Kingis Grace nor ſtrangers hes na maters ado upon Friday, then the commoun Table to have proces, and ſik-like the Queenis maters. And it ſall be na exception to alleage, that the ſaid Friday is ordained for the Kingis maters.

46. *That all continuations be called at the dayes aſſigned thereto.*

ITEM, That all continuations of proces before the Lordes, quhair acts ar paſſed, be called at the daies aſſigned thereto, for expedition of witneſſe, and eſchewing of expenſes.

47. *Anentis*

47. *Anentis deliverance of cognition to Schireffes.*

ITEM, It is deviſed and ordained fra thine foorth, that it be eiked in all deliverances direct to Schireffes, or uthers judges ordinares, that they admit to the parties their lauchfull defenſis, and to miniſter Juſtice equallie to baith the ſaidis parties.

48. *The Councel-houſe to be reparrelled.*

ITEM, That ſeates be honeſtlie maid and covered with greene claith, ſlocked on the Kingis expenſes, quhair the Lordes ſall ſit, and ſall be maid ane buird, quadrangular, or round, about the quhilk there may ſit auchteene perſones eaſilie: And that there be maid ſeate upon ſeate, and ane Bell to be hung to call in the Maiſters, or parties, as the Lords requiris.

49. *That all Lordes enter in the Tolbuith at aucht houres.*

ITEM, That all the Lordes ſall enter in the Tolbuith and Councell-houſe at aucht houres in the morning dailie, and ſall ſit, quhill elleven houres be ſtricken.

50. *That the Councel-houſe be iſched after the entrie of the Lordes.*

ITEM, Aſſoone as the Lords be entred in the Tolbuith, that an Maiſter iſche the Councel-houſe, and himſelfe ſall ſtande at the dure, and let na man enter. And gif ony Lord, or uther man cummis to the dure, and deſiris entreſſe, that he advertiſe the Lordes thereof. And gif they have ony mater they will propone, that ſilence be had, quhill they have done, and then to remoove.

51. *That na man pley bot parties and their procuratoures.*

ITEM, That na man enter to pley, bot parties conteined in their ſummoundes, and their procuratoures, gif they will ony have.

52. *That Billes and continuation be firſt red, and ſine the Table.*

ITEM, Incontinent after the Lordes be entred and ſittin downe, and all the houſe be iſched: That all Billes be firſt red and exped. And gif there be ony actes of continuation of proces begun, that the ſamin be nixt called: And fra thine the Lordes beginnis to call ony mater, or act of continuation, that na Bill be received nor red: And fra time that ony ſummoundes be called be the Table, that na actes of continuation be called for that day: And that all parties, or their Procuratoures, deliver to the Chancellar, or preſident their Billes, Actes, and Letters of continuation, or they enter in the Tol-buith, or incontinent thereafter, at the charge or warning of ane Maiſter.

53. *For examination of witneſſe.*

ITEM, That oulklie there be depute three of the Lordes of the ſeate in their towre: That is to ſay, the firſt oulk twa Spiritual, and ane Temporal, and thereafter twa Temporal, and ane Spiritual: And ſwa foorth oulklie, as they ar put in Bill and ordour, to examine all witneſſe: The quhilkis Lordes ſall conveene everie day, as neede requiris, in the Councel houſe, at twa after noone, with the Clerke of the Councell, or ane of his Clerkes or writers, ſworne and admitted be the Lordes, and ſall remaine quhill foure houres in the examination of witnes, or ſchorter or langer, as neid beis: And all the parties, or their Procuratoures, be warned to bring their witneſſe, at the ſaidis houres.

54. *That all maters be called be the ordour of the Table.*

ITEM, That na mater be called, bot be the Table, conforme to the ſtatute abone written, maid and deviſed thereupon.

55. *That ſilence be had in the Councel-houſe.*

ITEM, That the Lordes beand ſittin downe, and billes begun to bee red, that ſilence be had amangſt the Lordes: And that na man commoun, or ſpeake of ony mater, or rownd with his marrow, bot as he ſall be required, and ſpeired at be the Chancellar or Preſident: And as they command ony twa Lords of the ſeate to argunne or diſpute ony mater, that nane uther interrupt them, quhill they have done: And then the Chancellar or preſident, to require onie uther to argune the mater. And quhen they have done, gif there be ony uther of the Lordes, that hes ony opinion, or argument to make, that they aske leave fra the Chancellar or Preſident, and then to argune, as they thinke expedient.

56. *Of the giving of votes, and ordour thereof.*

ITEM, All argumentes and diſputations beand maid, and the Lords haldand ſilence, my Lorde Chancellar or Preſident, ſall aske or require everie Lordis vote in that mater, as they ar in the ordour be the actes and buikes of Councell: Quhais names the Clerk of Councel ſall reade and name: And ſa ordourly the Chancellar or Preſident to aske everie Lords vote: And that nane argune ane uther in the giving thereof.

57. *That ten Lordes ſall remaine with the Preſident.*

ITEM. in adviſing and giving of all ſentences and decreetes, there be ten Lordes at the leaſt, with the Chancellar or Preſident: And that nane of the Lords choſen and admitted, departe, or bide awaie, without licence asked and obteined fra the Chancellar or Preſident, in preſence of the haill Councell, for reaſonable cauſes: And that they returne againe at the day affixed to them. ITEM, that all publications of witneſſe, and uthers atteſtations, and examination of proces, be maid before the hail Auditour.

58. *Execution of ſentence to be maid be Herauldes, Purſevantes, and Maiſſers.*

ITEM, That all ſentences and decreetes of the Lordes, be execute in times cumming be the Schireſſe of the Schire, or his deputes, quhair the parties dwellis, againſt quhom the ſaidis decreetes ar given, or ſall happen to be given: Or elſe be Herauldes, Purſevants, or Maiſſers: And that nane take mair for the execution of their office, bot after the forme of the acte of Parliament, bot gif it be of benevolence of the partie, under the Paine of deprivation of their office: And that they deny not to do their office, under the paine foreſaid, alſweill to pure, as riche.

59. *Of the Clerkes of the Signet.*

ITEM, That all Clerkes of the Signet be ſworne to exerce their offices lauchfullie and diligently. And that nane of them ſall reveale nor make manifeſt to ony man, quhat they write or dois for ane uther, bot ſall keip all cloſe and ſecreit.

60. *Anent payment for Billes of complaint, and the Kings letters.*

ITEM, That na Clerk of the Signet tak mair for the writing of ane bill bot aucht pennies. And for the writing of ane letter upon ane decreit of the Lordes & deliverance, bot twentie pennies, nor for nane uther letter, mair then was uſed in our Soveraine Lordis time, quha laſt deceaſed, quhom God aſſoilzie, under the paine of tinſel of his office.

61. *Anent the delivering of Billes.*

ITEM, That na Clerke of the Signet enter in the Councel-houſe, for delivering of ony Billes, bot that the deliverance be written be ane writer of the Councel: And to provide, that nane fruſtrate ane uther of his laboures and profite: That everie ilk Clerke of the Signette, that writtis onie Billes, marke the ſamin with his awin name in the Bill, writtin within, and the ſamin ſall be delivered to him againe, or the partie, quhilk of them cummis to aske the ſaid Bill, they pay-and to the writer of the deliverance, foure pennies.

62. *That Maiſſeres keepe Councel.*

ITEM, That all Maiſſers be ſworne to execute their office faithfullie and diligentlie, and they ſall reveale na thing, that they ſall happen to heare commoned amangſt the Lords, under the paine of deprivation and infamie.

63. *Quhat Maiſſers ſall take for their laboures.*

ITEM, That na Maiſſers take mair fra ony partie, that happenis to obtaine ane decreete in the Seſſion, bot twa ſhillinges: Bot gif the parties gives mair of their awin benevolence, under the paine fore-ſaid.

64. *The number of Advocates, and their names.*

ITEM, It is ſtatute and ordained, that there be ane number of Advocates and Procuratoures choſen, and to be choſen, to the number of ten perſones, that ſall be called general procuratoures of the Councel, of beſt name, knawledge, and experience, admitted to procure in all actiones, of quhom the names followis: They ar to ſay, Maiſter *Robert Galbraith*, Maiſter *Robert Leſly*, Maiſter *Henry Spittle*, Maiſter *John Letham*, Maiſter *Henry Lawder*, Maiſter *Thomas Kincragy*, Maiſter *Thomas Marjoribankes*, Maiſter *William Johnſtoun:* And gif ony uthers cunning men will deſire to be admitted to the office of Advocation and Procuration, they ſall be received with adviſe of the ſaids Lordes, for compleitting of the

the ſaid number. And that thir Procuratoures foreſaidis, procure for everie man for their wages, bot gif they have reaſonable excuſe.

65. *Advocates to be ſworne.*

ITEM, That all the ſaidis Advocates and Procuratoures choſen, or to be choſen and admitted, ſall be ſworne to exerce faithfully and diligentlie the office of Advocation and Procuration.

66. *That all Advocates paſſe foorth of the Councel-houſe, quhen the Lordes paſſis to diſputation.*

ITEM, It is ſtatute and ordained, that all Advocates and Procuratours ſall enter in the Conncell-houſe, at the calling of all ſummoundes and acts, and remaine quhill the parties have arguned and diſpute their maters at the Barre, and then to remoove quhen the parties ar remooved, and then to enter againe at the giving and pronuntiation of interloquutoures, quhen the parties enters.

67. *Anent exceptions dilatoures.*

ITEM, It is ſtatute and ordained, anent proces and formalitie to be keiped be Advocates in pleying before the Lordes, that ane dilatour exception being proponed, and repelled be ane inter-loquutour of the Lordes, that the Advocates, Procuratoures, or parties be their ſelves, ſall propone the lave of their dilatoures at anis. And that nane Advocat nor Procuratour within the Bar ſtand to pley, bot paſſe out-with with the partie, except the Kingis Advocat.

68. *The Kingis gude minde anent the Lordes of the Seſſion.*

FOrſameikle as we for the great affection, that we have for Juſtice to be done, and equallie miniſtrat to all our Lieges, hes in our laſte Parliament, choſen ane certaine number of perſones, Spiritual & Temporal, to be upon our dailie Seſſion, and to miniſter Juſtice equallie amang all our Lieges, as ſaide is, after their conſcience & underſtanding: And all the ſaidis perſones ar ſworne to do the ſamin: And als at our command, they have maid certaine ſtatutes and rules to be obſerved and keiped be themſelfe and uthers in their doinges, and proceeding for Juſtice in all times. The quhilkis ſtatutes & rules we have ſubſcrived with our hand. Herefore we of our awin free motive & proper will, ratifies & apprievis be thir preſentes, all and ſindrie the ſaids ſtatutes maid be our ſaidis Lordes of Seſſion in everie poynt. Attour, wee promit to the ſaids Lords, that we ſall not be ony private writing, charge or command, at the inſtance of ony perſon, or deſire them to do utherwaies in ony mater that ſall cum before them, bot as Juſtice requiris: or to do ony thing, that may breake ſtatutes maid be them at our command and doing of Juſtice. Als wee ſall authorize, mainteine, and defende all the ſaidis Lordes, their perſones, landes and gudes fra all harme, wrang, hurte, and injurie to be done to them be ony maner of perſon: And quha that dois in the contrair, ſall be puniſhed with all rigour.

Juramentum. Statuta Approbata.

The Kingis promit not to cum in the contrair.

And becauſe the ſaidis Lordes choſen upon our Seſſion, preſentis our perſon, & bearis our authoritie in doing of Juſtice, Wee ſall have them, baith Spiritual & Temporal in ſpecial honour & maintenance. And wee ſall give na credence to ony man, that will murmure them, or ony of them, be doing of wrang, or inhoneſtie: Bot they ſall be called before us, and gif they be foundin culpable, to be puniſhed therefore, after the qualitie of the fault and demerite: And gif they be foundin cleane and innocent, the perſon compleening, ſall be puniſhed with all rigour, and never to have credite with us againe. Attour, becauſe the ſaidis perſones man awaite dailie upon our ſaide Seſſion, except at feriat times, & ſuld be therefore priviledged abone uthers.

Protection for the Lords of the ſtate. Na ſiniſter information to be heard againſt the Lords uncalled.

Herefore we have exeemed, and be the tenour hereof exeemis them, and everie ane of them, baith Spiritual and Temporal, fra all paying of taxes, contributions, and uther extraordinare charges, to be up-lifted in ony times cumming, and fra the bearing of ony office or charge within Burgh, or out-with, bot gif it be their awin free will and conſent.

The Lordes free of all taxes & bearing of offices.

ITEM, We grant to our ſaidis Lordes of Seſſion, that gif ony perſon or perſones, diſhonouris and lichtlies them, or ony ane of them, in ony maner of way: That they command and charge, and put that perſon or perſons in warde in our Caſtel of *Edinburgh*, or ony uther our Caſtelles they pleaſe, to remaine quhill they have maid ſatisfaction for the fault, at the ſaidis Lordes conſideration, gif the fault be ſmall and injurious: And gif it be greate, quhill they advertiſe us thereof, that wee may gar the ſamin be amended, and puniſhment maid therefore, as effeiris.

The puniſion of the perſons that faulted to the Lordes.

THE SUBSCRIPTION.

AND This our ratification and approbation promit and grant of all thir premiſſes, We have ſubſcrived with our hand, And ordainis the ſamin to be put in the buikes of our Councell togidder with the ſtatutes maid be our ſaidis Lordes of Seſſion, Subſcrived in likewiſe with our hande at our Caſtel of *Striviling*, the tenth day of *Junij*: And of our Reigne the nineteene zeir.

JAMES R.

FINIS.

THE SEXT

PARLIAMENT

OF

KING JAMES THE FIFTH.

Halden at Edinburgh, *the tenth daye of December, the zeire of God, ane thousand, five hundreth, and fourtie zeires.*

69. *The aire may be forefalted for treason committed be his Predecessoure.*

THE Quhilk day, Maister *Henrie Lauder*, Advocate to our Soveraine Lord, exponed in presence of the Kingis Grace, and the three Estaites of Parliament, how that his Grace had raised summounds upon the aires of umquhile *Robert Lesley*, to heare his name and memorie delete and extinct, for certaine poyntes and crimes of lese-majestie, committed and done be him or his decease. And therefore all his gudes moveable and unmoveable, perteining to him the time of the committing of the saide crime, and sensine, to be decerned to perteine to his Grace: And because it is murmured, that it is ane noveltie to raise summoundes, and moove sik ane action against ane person that is deade, (howbeit the commoun lawe directlie provide the samin:) Nevertheless for stanching of sik murmure, and that his Grace tendis on na sorte to moove or doe ony thing, bot that hee may justlie bee advised of the three Estaites: Therefore desired the said three Estaites, to advise thereupon, and that his Grace may have sensemente of Parliamente, quhidder that he hes ane action to persew sik summoundes or not. The haill Estaites, Spiritual, Temporal, and Commissioners of Burrowes, all in ane voyce, but variance and descrepance, hes delivered and concluded that his Grace hes gude cause, and just action to persew the said summoundes, & all uther siklike summoundes of treason, done and committed against his person, and commoun weill, conforme to the commoun law, gude equitie and reason: Notwithstanding there is na special lawe, acte, nor provision of the Realme, maid thereupon of before.

70. *THE KINGIS GRACE REVOCATION.*

WE JAMES Be the grace of God, King of *Scottes*, understanding clearely the priviledge of the commoun Law, acts and statutes of our Realme, provided and given to the Successoures of all maner of persones, to revoke, casse, and annull all thinges done be them in their zouthead and lesse age quhair-throw they ar greatlie and heavelie damnaged and skaithed in their heritages, be imprudent alienations, donations, and venditions of the samin: And that they may at their persite age revoke the samin, and all thinges done be them prejudicial in their minoritie and lesse age: And therefore our Predecessoures, Kingis of *Scotland*, at their perfite age of twentie five zeires past, hes in times by-gane, maid revocation of all sik thinges that hes bene done be them in hurt and detriment of their Crowne, lands, rents, and possessiones, perteining to the samin, and uther thinges quhair-intill they, be circumvention, were damnaged and skaithed, maid their revocation, cassand and annulland all sik giftes, alienations, and donations: Herefore we at our perfite age of twentie five zeires by-runnin, beand for the time foorth of our Realme, in the partes of *France*, maid our general revocation schortlie at *Roan*, the thrid day of *Aprill*, the zeir of God, ane thousand, five hundreth, threttie seven zeires, as at mair length is conteined in ane instrument maid thereupon, subscrived with the hand of Maister *George Cuike* Notar publicque: Of the quhilk the tenour followis.

Wee for certaine great and reasonable causes moving us, and havand respect to the weill of our Crowne, and commoun weill of our Realme, revokis all maner of giftes, infeftmentes, and dispositiones quhat-sumever we have maid, or hes bene maid be our Tutoures and Governoures, for the time, during our minoritie and lesse age, in quhat-sum-ever cause or case, that they may cum under revocation, be the commoun law, or consuetude of our Realme: Protesting solemnely, that our absence foorth of the samin at this time, and the solemnities required on that behalfe, not being done, be to us na prejudice, anentis the said revocation, with the quhilkis we dispense, and supplies all faultes therewith, be our Kinglie power and authoritie Royal, and will that this stande for our general Revocation of all maner thinges done be us, or our saidis Tutoures: And the samin to be extended in the maist ample and large forme, as ony

ony uthers Revocations maid be our maiſt Noble Father, or our Progenitoures, Kingis of *Scotland:* The quhilk our ſaid general Revocation, We in this preſent Parliament, with the adviſe and conſent of our three Eſtaites, ratifies and apprievis, and zit, as after followis, revokis, caſſis, and annullis in general, and als in ſpecial.

IN The firſt, we revoke, caſſis, and annullis, all infeftmentes, donations, alienations, and diſpoſitions maid be us, our Tutors, Governours, or Regents in our les age, in ony maner of way in fee, few-ferme, or franck-tenement of ony lands, Lordſhippes, cuſtomes, annualles, fiſhinges, Burrow-mailles, and Caſtel wairdes annexed to our Crowne, or ony parte thereof, alſweill given be our Father, quhom God aſſoilzie, as be us: to ony perſon or perſones, incontrair the actes maid thereupon of before: to be reduced againe to us, and to our Crowne, be vertew of the actes and ſtatutes maid of annexations, and after the forme of the ſamin. *Annexed properitie.*

ITEM, We revoke all alienations of ony rentes, landes, and heritages, annexed to the principalitie, and to the Prince, ſecond perſon of the Realme, maid be us in maner foreſaid. *Principalitie.*

ITEM, In likewiſe, we revoke, caſſis, and annullis, all donations, alienations, few-fermes, and giftes quhat-ſum-ever, in life-rent, or uther waies, in our none-age of the landes, rentes, annualles, or ony uthers revenues, that our Father had in his poſſeſſion, the time of his deceaſe, be gift, or uther-waies, and of all offices, ſik as Chalmerlanries, Bailleries, & Cuſtomaries, maid for maa zeires, bot fra ane Checker, quhill the compt be maid in the nixt Checker, after followand. And als, all aſſedationes and tackes maid for langer termes nor five zeires. *Offices of the properitie.* *Aſſedations.*

ITEM, In likewiſe, wee revoke and caſſis, all tailzies maid fra the aires general, to the aires maill, of ony landes within our Realme, againſt the law and gude conſcience. *Tailzies.*

ITEM, We revoke all new infeftmentes of landes, given in blanch-ferme, that were halden of us of before, be ſervice of warde and reliefe. *Blanch-ferme.*

ITEM, We revoke all Regalities and confirmations of the Regalities, and of all offices given be us in heritage, or be our Father, againſt the actes and ſtatutes, that na Regalitie ſuld be given in heritage, without adviſe and deliberation of the haill Parliament. *Regalities.*

ITEM, We revoke all alienations, maid of ony heritages, in our none-age, that becum lauchfullie in our handes, be reaſon of fore-faltour, baſtardrie, or uther-waies, and life-rentes given thereof in our minoritie. *Baſtardries.*

ITEM, Wee revoke all new creations of Landes, Barronnies, annexations and unions of diverſe landes into fee, in prejudice of our dew ſervice, aucht to us, and our Progenitoures of before. And ſiklike we revoke, all diſcharges of ſervice of ſuites of Courtes aucht of auld to our Progenitours. *Unions of Barronnies.*

ITEM, We revoke all new infeftmentes given of creation of Barronnies, in the lands and Lorde-ſhippes annexed to our Crowne. *Union of annexed propertie.*

ITEM, We revoke all giftes and confirmations given be us, of quhat-ſum-ever landes and heritages, be evil and falſe ſuggeſtion, be the expreeming of ane falſe cauſe, quhair gif they had bene expreemed ane trew cauſe, and the veritie, we had not given the ſamin. And there-throw we ar greatumlie and enormelie hurte. *Alienations maid ſuppreſſa cauſæ veritate.*

AND Generallie, Wee revoke, caſſis, and annullis, all and quhat-ſum-ever things, done be us in our leſſe age, in detriment and harme of our ſaule and conſcience, hurting of the priviledge of our Crowne, prejudicial to the ſamin, and to us in our patrimonie thereof. And quhat the commoun Law, and conſuetude of our Realme leavis us to revoke. And this our Revocation to be of als great effect, and als largelie extended in General and in Special, as ony Revocations, maid bee ony our Progenitoures, Kingis of *Scotland* of before: And ſpecially be our deareſt Father, of gude minde, quhom God aſſoilzie, and King JAMES the Second: And proteſtis, ſuppoſe we of our favours and benevolence, ſuffer ony perſon or perſones, to uſe or poſſeede ony priviledges or poſſeſſiones of landes, rentes, and offices, that ar fallen under our Revocation: It ſall make na richt to the uſers or halders thereof. Bot it ſall be leiffull to us to put our handes thereto, quhen ever it ſall pleaſe us, but ony contradiction, be vertue of our ſaid Revocation, actes, and conſtitutions of our Realme, maid of before. *The Kingis ſuffering prejudgis not his Revocation.*

71. *That all Schireffes and uthers Officiares be preſent perſonally, at the three head Courtes zeirlie.*

FOR THE Mainteining of Juſtice, and putting of gud ordour thereto, out throuch all this Realme: It is ſtatute and ordained, that all Stewardes, Baillies, and Schireffes, hald all their three head Courtes be themſelfe in proper perſon, without they have juſt and lauchfull excuſe, throw being in the Kingis Grace ſervice, and to teſtifie the ſamin be his Grace writing or throw ſickneſſe, that they may not travel: Aud that the Kingis Grace authoritie be not lichtlied, and his Lieges want debtfull adminiſtration of Juſtice: It is ſiklike ſtatute and ordained, that all Barronnes and Free-halders, that awe ſute and preſence into the ſaidis Courtes, to be there perſonally, and the abſentis to be amerciat with all rigour: And quha that awe bot ſute, that they ſend their ſutors, honeſt and qualified men, able to decide upon ony cauſe conformand to the auld Law: And that the ſaidis Schireffes, Stewardes, and Baillies, admit nane uthers, as he will anſwere to the Kingis Grace, And quha that cummis to the court, that he anſwere for himſelfe, and remaine quhill the ſamin be done and ended, and to paſſe upon inqueſts and aſſiſes, and aſſiſt to the Kingis Schireffes, Stewardes, and Baillies, in adminiſtration of Juſtice, and doing of their offices and ſervice, conforme to their infeftmentes, as they will anſwere to the Kingis Grace, upon their utter-maiſt charge.

72. *All Temporal Judges, ſuld ſet their Courtes upon fifteene daies.*

ITEM, Becauſe our Soveraine Lord hes bene, and is of gude will and minde to have Juſtice ſchortelie done to all his lieges, ſwa that throw lang proces, his lieges be not lang taried and vexed in greate expenſes: Therefore hes ſtatute and ordained, that all Schireffes and Temporal judges, ſall in times cumming, in all perſonal actiones, ſet their courtes peremptourlie upon fifteene daies: And direct their precepts thereupon, and at that day proceede *ſummarie & de plano*: The partie being warned upon fifteene daies, and make ſik proceſſe in all thinges, as is uſed before the Lordes of Councel and Seſſion: Notwithſtanding onie auld Lawes and conſtitutions maid thereupon of before: And all uthers maters and actiones to have ſik proceſſe, as they have had in times by-gane.

73. *Of the qualities and aith of deputes.*

ITEM, That all Schireffes and uthers Officiares of the Kingis within this Realme, make their deputes, ane or maa, gude and wiſe ſubſtantious men, of beſt fame, knawledge, underſtanding, and experience, within the Schireffedomes, and leaſt ſuſpect: for quhome they ſall anſwere for adminiſtration of Juſtice, to all perſones indifferentlie. And that they cauſe their deputes to be maid, creat, and ſworne in plaine courte, and ane acte maid thereupon: And gif they continue their deputes langer then for ane zeir, that they cauſe them zeirly to be ſworne to their offices, for the adminiſtration of Juſtice, at the head courtes after *Michael-mes*.

74. *The indorſation of all letters ſuld be ſtamped.*

ITEM, That all Schireffes, Stewardes, and Baillies, cauſe their Maires and Officiares, quha ſall execute the Kingis letters and charges, or their awin precepts, to have ane ſignet, and in it graved the firſt letter of their name, or firſt of their ſur-name, or elſe ſum uther thing, that ſall bee univerſally knawin to be their ſignet, with the quhilkis they ſall ſignet all letters and preceptes execute be them, and indorſat in times to-cum: And that na indorſation ſall have faith, nor be admitted, bot they that ar ſigned with the ſaids ſignettes. And ſik-like, that all officiares of the Kingis, have their ſignettes in maner foreſaide: And ſignet all letters and charges execute and indorſat be them, under the paine of deprivation of them fra their Offices, that makis ony ſik executiones, without their ſignettes foreſaidis. And gif ony of their executiones wantis their ſignet, the ſamin ſall have na faith.

75. *The ordour of ſummounding of all perſones in Civill actiones.*

ITEM, For eſchewing of greate inconvenientes and fraude, done to OUR SOVERAINE LORDIS Lieges, be ſummounding of them at their dwelling places, and oft-times falslie, and gettis never knawledge thereof: IT IS ſtatute and ordained, that in times cumming, quhair ony Officiar or Schireffe in that parte, paſſis at commande of the Kingis letters, or the Schireffes, Stewardes, Barrones, or Baillies precept, to ſummounde onie partie, gif they cannot apprehende them perſonallie, they ſall paſſe to the zett or dure of the principal dwelling place, quhair the perſon to be ſummounde dwellis, and hes their actuall reſidence for the time, and there ſall deſire to have entreſſe, quhilk gif it be granted, they ſall firſt ſchaw the cauſe of their cumming: And gif they cannot get the partie perſonallie, they ſall ſchaw their letters or precept before the ſervandes of the houſe, or uther famous witneſſe, and ſall execute their offices and charge, and there after ſall offer the copie of the ſaidis letters or precept to ony of the ſervands, quhilk gif they refuſe to do, that they affix the ſamin upon the zett or dure, of the perſones ſummound: And ſik-like, gif they get na entreſſe, they firſt knockand at the dure ſex knockes, they ſall execute their office before famous witneſſe, at the ſaid houſe and dwelling place, and affixe the copy upon the zett or dure thereof, as ſaid is, quhilk ſall be leiffull and ſufficient ſummounding and delivering of the copie, and the partie, nor Officiar ſall not be halden to give ony uther copie, bot at their awin pleaſure. And everie officiar in his indorſation, ſall make mention of his awin execution, in maner foreſaid. And the partie at quhais inſtance, the letter or precept is direct, ſall pay to the Officiar executour the expenſes of the copie affixed, as ſaid is: And ſall be taxed and given againe to him, at the giving of the decreet or ſentence, gif he happenis to obteine: And gif the Officiar beis foundin culpable in the execution of his office, he ſall be put in our Soveraine Lordis priſon, and puniſhed in his perſon and gudes, at the Kingis Grace will.

76. *The election and examination of Notars.*

ITEM, Anent Scribes and Notars, baith to lande and Burgh, becauſe it is underſtande to the Kingis Grace, that the multitude of them generis ane great confuſion, monie falſettis ar committed: For remeid hereof, It is ſtatute and ordained, that everie Schireffe, with ſik perſones as ſall pleaſe the Kingis Grace to adjoyne to them, ſall call before them, all Notars that ar laick men, within his Schireffedome, and boundes of his Office, and examine them, and quha that ar halden to be famous and able men to execute the Office, that they be admitted be ane acte in judgement: And that the ſaid Schireffe have ane buik, and

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gar them that ar admitted, write their ſubſcription, and ſignes manual in the ſaid buik, ſik-like as they ſubſcrive all inſtrumentes, & as they will uſe in times cumming, and to diſcharge all uthers, except them that ar writers, Notars, and Scribes, in OUR SOVERAINE LORDS Courtes of Juſtice, baith Civill and Temporal, quha ſall be admitted be the Chancellar, Preſident, and Lordes of Councell, and quha after the ſaide diſcharge makis ony inſtrument, the ſamin ſall be of nane availe, and have na faith, it beand opponed be the partie, and not beand proven in the contrair, that the ſaide Notar is admitted, as ſaid is: And that all Ordinares cauſe ſik-like to be done upon all Notares, that ar Spiritual men within their Dioceſie: And quha that happenis to be maid Notares in times to-cum, that they uſe not the ſaide Office of Notarie, unto the time they cum before the Schireffe or Ordinar, and gette their admiſſion, ſubſcrive and put their ſignes in the ſaidis buikes, as they will uſe in times to-cum, with certification to them, and they failzie, their inſtrumentes ſall be of nane availe, and make na faith.

77. *Saiſinges upon precepts of the Chancellarie, ſuld be given be the Schireffe Clerke, and all uthers be honeſt Notars.*

ITEM, It is ſtatute and ordained, for eſchewing of inconvenients of giving of ſaiſinges be private Notars, quhais names ar oft-times un-knawin, and their protocolles cannot be gotten, in-caſe the principal inſtrument be tinte, deſtroyed, ſubſtracted, and halden awaie. For eſchewing hereof: THAT All ſaiſinges be given in times cumming, be the Schireffe Clerke, or his deputes, whom-fore he ſall anſwere, and be nane uthers, upon all precepts that paſſis be the Chancellarie: And all uthers ſaiſinges to be given be famous Notars admitted thereto, and be nane uthers.

78. *Of the admiſſion of Notars, be the Lordes of Seſſion.*

ITEM, Becauſe there is in the acte preceedand, greate credence and faith to be given to the Notars and Clerkes of Courte: It is ſtatute and ordained, that all Schireffes, Stewardes, Baillies, and uthers, baith to Burgh and Lande, preſent their Clerkes and Notars in preſence of my Lorde Chancellar, Preſidente, and Lordes of Councell, to be examined, ſworne, and admitted: Providing alwaies, that they change or chuſe as they pleaſe: And quha that beis new choſen, to be preſented, and admitted, as ſaid is.

79. *That the Protocolles of all ſaiſinges be preſented zeirlie in the Checker.*

ITEM, Anentis the acte of Parliament maid of auld, quhair it is ordained, that all Schireffes bring with them at their Checker comptes anis in the zeire ane buik conteinand all ſaiſinges given be them, at the leaſt, the day, the moneth, of the giving of the ſaid ſaiſinge, and the name of the landes conteined in the ſamin, be eiked in this maner: That the Clerke of the Court cum with the ſaid Schireffe or his Deputes, in everie Checker, and bring the ſaide buik with him, ſubſcrived with his awin hand and ſigne manual, that the ſamin may remaine in the Regiſter: Swa that the Kingis Grace may knaw his tennentes, and all uthers havand entreſſe, may have recours thereto.

80. *Of falſe Notars and witneſſe, Counſellers, and uſers of falſed.*

ITEM, For puniſhment of falſe Notares, and them that bearis falſe witneſſe, or that inducis ony man to beare falſe witneſſe: And ſiklike of them that makis falſe inſtrumentes, or cauſis make ony falſe inſtrumentes, or uſis the ſamin wittinglie: That all ſik perſones in times cumming, be puniſhed in their perſones and gudes with all rigour, ſiklike as it is provided be the diſpoſition of the commoun Law, baith, Canon, Civil, and ſtatutes of the Realme.

81. *Of Notars Ordinar in the Schireffe Court, or utherwaies.*

ITEM, For eſchewing of greate inconvenientes, that dailie occurris, in the reducing of proceſſe, led before Schireffes, Stewards, and Baillies of Burrowes, Regalities and Barronnies, quhair there is oft-times produced and ſchawin inſtrumentes, contrair to uthers: That is to ſay, the inſtrumentes and actes maid be the Scribe of the court, beirand ane way, and inſtrumentes tane in uthers Notars handes, beirand ane uther way, and oft-times alleageance, that was never heard nor underſtande to the judge, his aſſeſſoures, or uthers members of court: Therefore in times cumming: It is ſtatute and ordained, that all inſtrumentes, notes and actes be maid and tane in the handes of the Scribe, and Notar Ordinar of the Courte, or his Deputes: And gif ony partie will have ane Notar with him, for mair ſecuritie, that that Notar paſſe and ſtande within Barre, in quhais handes it ſall be leiffull to onie partie, to take documentes, togidder with the Notar of Court: And that ilk ane of them be inſert witneſſe to uthers, with ane parte of the maiſt famous perſones, aſſeſſoures or uthers members of court being within Barre, with ſik uther honeſt-men as ar preſent, with certification, gif this forme and faſhion be not keiped, that the inſtrument taken in ony uther Notars handes, nor the Scribe of courte, ſall have na faith. And gif the Notar and Scribe of courte, refuſis to give inſtru-

mentes, actes, or notes to ony persones desirand the samin, he sall tine his office, and sall be called and punished in his person and gudes at the Kingis Grace will.

82. *For giving of Commissiones, in prejudice of the Ordinar.*

ITEM, Anent the artickle given in be the Schireffes, that quhair they have their offices in heritages, and greatumlie hurte be giving of Commissiones to uthers Officiares, in cases perteinand to their offices: And for remeid therefore: The Kingis Grace, with the advise of his Estaites, hes ordained, that na commission be given in times cumming, for serving of brieves, appriſing of landes, bot to the Judge Ordinar: And gif ony partie sall happen to give in ony complainte, for the getting of commissiones, for ony cause that is reasonable, the said commission sall not be granted, unto the time the saide Schireffe, Steward and Baillie be warned to heare the Commission given, or else to alleage ane reasonable cause, quhy the samin suld not be given.

83. *Of leasing-makers.*

ITEM, Touching the artickle of leasing-makers to the Kingis Grace, of his Barronnes, Greate men and Lieges, and for punishment to be put to them therefore: The Kingis Grace, with advise of his three Estaites, ratifies and apprievis the actes and statutes maid thereupon of before, and ordainis the samin to be put to execution in all poyntes: And als statutis and ordainis, that gif ony maner of person makis onie evill information of his hienes to his Barronnes and lieges, that they sall be punished in sik maner, and be the samin paines, as they that makis leasinges to his Grace of his Lordes, Barronnes, and lieges.

84. *The acte of annexation of landes to the Crowne.*

ITEM, Because it is understandin, and weill advisedlie considdered be the Kingis Grace, and three Estaites of his Realme, beand assembled in this present Parliament, that the patrimonie of his Crowne, & revenues thereof beand augmented, is the great weill and profite, baith to the Kingis Grace, and his Lieges: And therefore it is thocht expedient, that our Soveraine Lorde, followand the gude example of his predecessoures, suld annex to his Crowne, for the honourable supporte of his Estaite Royall, in all adventures and cases, baith in weere and peace, sik landes and Lordshippes, as ar now presentlie in his handes, that ar not annexed of before, and the saidis lands being annexed, to remaine perpetuallie with the Crowne, may nouther be given awaie in fee, nor franck-tenement, to ony persones, quhat ever Estaite or degree they be of, without advise, decreete, and deliverance of the haill Parliamente, and for the great reasonable causes, concerning the weil-fare of the Realme, first to be advised and digestlie considered, be the haill Estaites. And albeit it sall happen OUR SOVERAINE LORDE, that now is, or onie his Successoures, Kingis of *Scotland*, to annalie and dispone the saidis Lord-shippes, Landes, Castelles, Townes, donationes, and advocationes of Kirkes and Hospitalles, with their pertinentes to the Crowne, as said is annexed, that the alienation and dispoſition, sall bee of nane availe: Bot it sall be leiffull to the King for the time, to receive thay landes to his awin use, quhenever it likis his Grace, but ony processe of Lawe, and the takers sall refounde and paye all profites, that they have tane up of thay landes againe to the Kinge, for all the time that they have had them, with sik uther restrictiones, as is conteined in the Actes of Parliamente, maid bee his maist Noble Predecessoures, Kingis of SCOTLAND, in the Annexation to the Crowne.

AND Therefore his Hieneſſe, with advise and Counsell of his three Estaites, hes annexed to his Crowne, to remaine there-with, in maner foresaid, thir landes after following. IN The first, the Landes and Lordshippes of all his Iles, South, and North: The twa *Kyntires*, with the Castelles perteining thereto, and their pertinentes: The lands and Lordshippe of *Orknay*, *Zetland*, and the Iles perteining thereto, and their pertinentes. The Landes and Lordshippe of *Dowglasse*, with the Castell, Towre, and fortalice thereof, donationes, and advocationes of Kirkes and benefices, and their pertinentes: The Landes and Lordshippes of *Crawfurd-Lindsay*, and *Crawfurd-John*: The Landes and Lordshippes of *Bonkill*, *Prestoun*, and *Temptalloun*, with Towres, Fortalices, landes, rentes, advocationes and donationes of Kirkes: The Lands of *Dunsire*: The Landes and Lordshippe of *Jedburgh* Forrest: The Lands and Lordshippe of *Kerymure*, with all their pertinentes: The superioritie of all and haill the Earledome of *Angus*, and all utheris landes, rentes and possessiones, quhilkis perteined to *Archebald*, sume-time Earle of *Angus*, the time of the said Earles fore-faltour, and now being in our Soveraine Lordis handes, be reason thereof: The Landes and Lordshippe of *Glammis*, that ar not halden of the Kirk: The Landes of *Baky*, *Balmukettie*, *Tannades*, *Drumglies*, *Lang-forgund* and *Balhelwies* with the Towres, Fortalices, advocationes, and donationes of Kirkes, and their pertinentes: The Landes of *Raclewch*, *Quhite-campt*, over and nether *How-clewch*: The Landes, Lordshippe, and Barronnie of *Avandaill*, with the towre and Fortalices thereof, advocationes and donationes of Kirkes, their annexes and connexes, and all their pertinents, sik-like as umquhile *James Hammiltoun* of *Finnart* Knicht, had, and bruiked the samin, before the time of his fore-faltour: The Landes and Lordshippe of *Liddesdaile*, with the Castell of *Armitage*, advocation and donation

donation of Kirkes, and their pertinentes: The landes and Lordſhip of *Both-well*, with the towre, fortalices, and their pertinents.

85. *Weapon-ſchawinges to be twiſe in the zeir.*

ITEM, Touching the firſt artickle anentis the weapon-ſchawing: It is thoucht neceſſar, that weapon-ſchawinges be maid twiſe in the zeir, out throw all the Realme, that is to ſay, in the monethes of *Junij* and *October*, at ſik day or dayes, and place, as ſall pleaſe the Schireffe, Steward, Baillies, Proveſt, and Aldermen of Burrowes, to aſſigne after the quantitie of the Schire, gif the muſtures cannot be all tane on ane day. And that they make warninges thereto, upon the premonition of twentie daies. And that the ſaids muſtures be tane be the Schireffe of the Schire, Proveſt, and Baillies of Burrowes, and Baillies of Regalities, and uthers Commiſſioners, quhome the Kingis Grace pleaſis to aſſigne to them. And becauſe they have bene ſa lang out of uſe, of making of weapon-ſchawinges: It is thocht expedient, that the ſamin be maid thriſe for the firſt zeir. And the firſt time to be on the morne after *Law-Sunday*, nixt-to-cum.

86. *That the army of* Scotland *be un-horſed, except great Barronnes.*

ITEM, Anentis the maner of cumming of our Soveraine Lordis Lieges to weere, horſed and un-horſed: The Kingis Grace underſtandis the great hurte, ſkaith, and damnage done in cumming of multitude of horſe-men, throw deſtruction of cornes, meadowes, and herrying of pure folkes: And als the greate impediment maid be them in the hoiſt, quhair all men mon fight upon fute: THEREFORE hes ſtatute and ordained, that na maner of man have horſe with him, bot bee reddie to gang on fute, fra the place that pleaſis the Kingis Grace to aſſigne to be the firſt meeting and aſſembling of his armie, except cariage horſe allanerlie: And gif ony man cummis on horſe-back, or bringis his horſe with him, except for his cariage, as ſaid is, that he incontinent ſend his horſe hame againe with ane rinnand boy, and with na ſenſible man, or able of perſon to beare weapons, under the paine of death: Providing alwaies, that albeit this Acte is maid General, the effecte thereof, ſall not extend to Earles, Lordes, Barronnes, and greate landed men, bot that they, and ſik uthers, as ſall be thocht expedient be the Kingis Grace, or his Lieu-tennentes, ſall paſſe on horſe-back, quhair ever the Kingis Grace movis with his armie.

87. *The maner of Harneſſe, weapons, and armour.*

AND As to the maner of Harneſſe and weapones, and how everie man ſuld be armed and weaponed: It is ſtatute and ordained, that all OUR SOVERAINE LORDIS Lieges have weapones and harneſſe, as after followis: IN The firſt, that everie Noble-man, ſik as Earle, Lorde, Knicht, and Barronne, and everie greate landed-man, havand ane hundreth pounde of zeirlie rente, bee an-armed in quhite harneſſe, licht or heavie as they pleaſe, and weaponed effeirand to his honour: And that all uthers of lawer rent and degree in the Law-land, have jack of plate, halkrik, or brigitanes, gorget or peſane, with ſplentes, panſe of mailzie, with glooves of plate or mailzie: And that all uthers OUR SOVERAINE LORDIS Lieges, Gentle-men unlanded, and zea-men, have jackes of plate, halkrikes, ſplentes, ſallate, or ſteil bonet, with peſane or gorget, and everie man with ſworde. And that na maner of weapons be admitted in weapon-ſchawings, bot ſpeares, pikes, ſtarke and lang, of ſex elnes of length, *Leith* axes, halbardes, hand-bowes and arrowes, croce-bowes, culverings, twa handed ſwordes: And everie man to be anarmed, as ſaid is, under the paine of five pound, to be tane of everie landed-man, fiftie ſhillinges, of everie Gentle-man, and xx. ſhillinges of everie zea-man: als oft as they be foundin faltous in the premiſſes. And becauſe it is underſtandin, that their weapones and harneſſe may not be compleitlie gotten at the firſt weapon-ſchawing, that is to ſay, on the morne after *Law-ſunday* nixt-to-cum: Therefore it is diſpenſed be the Kingis Grace, that they make their ſchawinges and muſtures with ſik harneſſe and weapones, as they have, or may convenientlie get againſt the ſaid day.

88. *Of armour conforme to everie mannis rent and ſubſtance.*

ITEM, It is ordained for weapon-ſchawinges in Burrowes, that everie man havand ane hundreth poundes woorth of geare, be anarmed in quhite harneſſe, and weaponed as landed-men foreſaide. And everie man within ane hundreth poundes worth of gudes, and that may ſpend ten pound, be anarmed as Genlemen landed, and zea-men men, in maner foreſaid, and under the paines abone written.

89. *That all perſones preſent in weapon-ſchawing be written, with the maner of their armour.*

ITEM, That na fraude be maid in the making of the ſaidis weapon-ſchawinges, and that the Kingis Grace may knaw the ordour of his people: It is ſtatute and ordained, that everie Earle, Lorde, Barronne, Laird, and uthers cummand to the ſaidis weapon-ſchawinges, give the names of the perſones that

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ſall cum with them thereto in Bill to the Schireffe, Baillie, Stewarde, Lorde, or Baillie of Regalitie, Proveſt, Alderman, and Baillies to Burgh, or to ony utheris, quhome it ſall pleaſe the Kingis Grace to give commiſſion to with them, and that they roll their names in ane buike, with the maner of their harneſſe and weapones zeirlie, in everie weapon-ſchawinge, ſealed with their awin ſeale, and ſubſcrived with their handes, ſende and deliver the ſamin to the Kingis Grace, to be keiped and conſidered, bee quhome his Grace ſall pleaſe to give the cure thereof. And that all Lordes and Baillies of Regalities, do ſik-like zeirlie, within the boundes of their offices.

90. *The premonition of the weapon-ſchawinges.*

ITEM, That all OUR SOVERAINE LORDIS Lieges, be warned to the ſaidis weapon-ſchawinges, upon fourtie daies warning, for the firſt time: And zeirlie at everie time thereafter, upon wentie daies.

91. *The chuſing of Captaines in everie Parochin.*

ITEM, That execution may be had throw all the Realme, amangſt all OUR SOVERAINE LORDIS Lieges, for exercing of their perſones in ordour, ſwa that be learning of ordour, and bearing of their weapons in time of peace, they may bee the mair experte to put themſelves in ordour haiſtielie, and keipe the ſamin in time of neede: It is thocht that this artickle is verie neceſſarie to be provided: AND therefore ſtatutis and ordainis, that everie Schireffe, Stewarde, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, Lordes and Baillies of Regalities, at everie weapon-ſchawing concurre and ſit downe, with the Kingis Commiſſioners, that ſall happen to be depute to them, and they togidder, to conſulte with the maiſt able perſones of the Schire: And after that they have rolled the names of everie man, with their harneſſe and weapones, chuiſe ane able man for everie Parochin, or maa, as it is of greatneſſe, or for ſmaller Parochines ane, quha ſall bee Captaine, or Captaines, to the cumpanies of the ſaidis Parochines, and ſall learne them to gang in ordoure, and beare their weapons, and ſall conveene their ſaidis cumpanies twiſe at the leaſte in everie Moneth, of the Monethes of Maij, June, and Julij, at quhat dayes they ſall thinke maiſt expedient, upon Halie-daies before noone: And als in all uthers Moneths, gif they may gudlie, and there exerce them in maner foreſaid. And that na man diſ-obey the ſaidis perſones, Captaines, to be depute and choſen, as ſaid is, under the paine to bee puniſhed at the Kingis will. And that the ſaide Captaine bee choſen, als oft as beis ſeene expedient be the Schireffe of the Schire, Commiſſioneres, and Councell admitted to him to that effect.

92. *Ane generall remiſſion, granted be the Kingis Grace to all his lieges.*

ALSWA, Our Soveraine Lord, underſtanding the great occaſion and evill exemple for the time, given to his Lordes, Barronnes, and all his lieges, to commit and do the time of his leſſe age, ſik offenſes and crimes of treaſon and utherwaies, quhilk deſervis great and hie puniſhment, quhilkis as his Grace underſtandis, be the gude and trew ſervice done be them to him, ſen his cumming to perfite age, they walde not have done nor committed: And becauſe his Grace thinkis, that he will not be unremembrand and ingrate, for the gude and thankefull ſervice done to him, be his ſaidis Earles, Lordes, Barronnes, and lieges of all degrees, hes remitted and forgiven, and be the tenour of this acte, remittis and forgives to all his ſaidis lieges all maner of crimes of treaſon, done be them in our Soveraine Lordis time, that laſt deceaſed, and his Predeceſſoures, Kingis of *Scotland*, and in his hieneſſe awin time, unto the daie and date of this preſent act. (The intelligence with *Archebald* ſum-time Earle of *Angus*, *George Dowglas* his brother, and umquhile *Archebald Dowglas* of *Kilſpindie* their Eame, ſen the time of giving of doome of fore-faltour againſt them, allanerly excepted) And therefore exhortis and prayis preſentlie, all his Barronnes and lieges, to be trewe and thankfull ſubjectes unto his Hieneſſe, as he ſall not faill, to be ane gude, thankfull and loving King to them: And that the copie of this acte, ſufficientlie extracted, ſall be ſufficient remiſſion, without ony uther particular writing.

FINIS.

THE

THE SEVENTH PARLIAMENT OF KING JAMES THE FIFTH.

Halden at Edinburgh, *the fourteenth day of March, the zeire of God, ane thousand, five hundreth, and fourtie zeires.*

93. *Ratification of the institution of the College of Justice.*

THE Kingis Grace, with advise of his three Estaites of Parliament, understanding that the institution of his College of Justice, and acts maid thereupon, ar richt profitable to his Grace, and all the haill Realme: And therefore now after his perfite age of twentie five zeires, hes ratified and approved, ratifies and approvis, for him and his Successoures, the institution of the saide College of Justice, and Actes maid for administration of Justice therein: And likewise ratifies & approvis the confirmation, ratification, approbation of the *Paipe*, of the erection of the said College, and of the gift of all benefices, rentes, given & to be given, assigned, & to be assigned, to the honest sustentation of the said College of Justice: And all priviledges, quhatsum-ever graunted, and to bee graunted thereto, bee the *Paipe*, and his hienesse: And wils, and ordainis for the causes foresaid, that the said College and institution thereof, remaine perpetuallie, for the administration of Justice, to all the lieges of this Realme, and to be honoured sik-like, as ony uther College of Justice in uther Realmes. And attour, gives and grantis to the President, Vice-president, and Senatoures power to make sik actes, statutes, and ordinances, as they sall thinke expedient, for ordouring of proces, and haistie expedition of Justice: And in absence of President and Vice-president, wils, that the eldest in ordour of the saidis Senatoures, be President for the time, to the effect, that there may be na stop of Justice ony time, throw absence of the said President, and Vice-president.

94. *Hagbuttes and uther small artaillarie, to be furnished within the Realme,*

ALSWA, Becaus the schot of gunnes, hagbuttes, handbowes, and uther small artaillarie, nowe commounlie used in all Cuntries, baith be Sea and Lande in their weeres, is sa felloun and un-eschewable to the pith of high courage of Noble and vailzieant men, quhais actes and deedes cannot be schawin, without contrair provision bee had of instrumentes of weere and battel: IT IS Herefore statute and ordained be the Kingis Hienesse, with advise and consent of the three Estaites of his Realme, that everie landed-man within the samin, sall have ane Hagbutte of Founde, called Hagbutte of Crochert, with their Calmes, Bullettes, and pellockes of leed or irone, with powder convenient thereto, for everie hundreth pound of land, that hee hes of newe extent: And he that hes bot ane hundreth marke land, sall have twa Culveringes: And ilk man havand fourtie pound land, sall have ane Culvering, with Calmes, Leede, and Powder, gainand thereto, with treastes to be at all times reddie, for schutting of the saide Hagbuttes: And that everie man of living foresaide, sall have ane man or maa, as hee may furnish, for schutting of the saide Hagbuttes and Culveringes, and to learne uthers to schutte the samin: And that everie man have the said artaillarie effeirand to his living, substantiouslie furnished, as saide is, reddie within auchteene Moneths, nixt after the publication of this acte, under the paine of doubling the price, that will bye ilk peice of the said artaillarie, to be applyed to the Kingis Grace use, for byeing of the samin to himselfe: And the saidis auchteene Monethes being paste, that everie man make his mustures with the said artaillarie, weill furnished, as said is, at the nixt weapon-schawinges. The quhilk being done, they sall not be bundin to bring their said artaillarie to ony weapon-schawings thereafter, bot gif they be speciallie required thereto, bee the Kings Grace writing, or be the Schireffe, or uthers Judges Ordinar, under the Kingis Grace. And that this acte be extended, alsweill to the Lordes of Regalitie, and their tennentes, as to them of Royaltie: And that everie Kirk-man furnish, sik-like artaillarie in maner abone written, to bee schawin at weapon-schawinges, as said is, after the availe and quantitie of their Temporall landes: And that their artaillarie remaine at the Castell, Abbay, or Mansion of the Bishoppe, Prelate, or Kirk-man, to be keped there and left to his Successoure, quha sall bee halden to up-hald the samin, for the defense of the Realme: And becaus it cannot be nowe clearely understandin of the availe and quantitie of everie Burgh, quhat artaillarie, and how meikle they may furnish: THEREFORE It is statute and ordained, that

letters be written to the Proveſtes, Baillies, Aldermen of everie Burgh of this Realme, ſignifiand unto them this ſtatute and ordinance, of the maner of furniſhing of artaillarie, to be maid be the Barronnes and Kirk-men, chargeing them therefore, to conveene their Councell, adviſe and conclude, quhat artaillarie, and in quhat maner ilk Burgh may furniſh, and refer againe to the Kingis Grace, within fifteene daies nixt after they be charged thereto, that his Hieneſſe may be adviſed therewith, with certification, gif they failzie thereintill, his Grace ſall cauſe them to be taxt, after the availe and quantitie of their commoun gudes & ſubſtance, for furniſhing of the ſaid artaillarie: And ordainis, that Ladies of conjunct-fee, and life-rent, ſall furniſh effeirand to the quantitie of their living, for ſupport of the Barronnes and uthers landed-men in the furniſhing of the ſaid artaillarie.

95. *For hame-bringing of Hagbuttes be Merchandes.*

ITEM, Becauſe nouther artaillarie nor harnes, can be furniſhed nor maid reddie, conforme to the actes maid thereupon, without the ſamin be brocht hame be Merchandes: Therefore it is ſtatute and ordained, that everie Merchand ſailland foorth of this Realme, or ſendand his gudes extending to ane laſt of gudes, ſall bring hame als oft as hee ſaillis, or ſendis his gudes, at everie time, twa Hagbuttes of Crochert, or mae, as his packe may furniſh, with powder and Calmes, for furniſhing of the ſamin, or elſe als meikle metal, as will make the ſaidis Hagbuttes, with powder effeirand thereto: And ſik-like harneſſe, for furniſhing of our Soveraine Lordis Lieges in maner foreſaid.

96. *For the in-bringing of the Kingis propertie and caſualities.*

ITEM, For in-bringing of our Soveraine Lordis propertie and caſualities zeirlie to his Checker, ſa that his Theſaurar and Comptroller, may be weill furniſhed, for furniſhing of all ſik thinges, quhilkis perteinis to them to do: And that in times cumming, they ſall have na cauſe to compleinzie, bot in their awin default and negligence: It is herefore ſtatute and ordained, that all Schireffes, Stewardes, Cuſtomers, Chalmerlaines, and uthers intromettours with our Soveraine Lordis propertie, compeir at everie Checker, quhair it ſall be halden for the time, and make their compts and full payment *Eque* with the Rollis, before their departing, ilk ane for their awin part, ſa far as they intromet-with, or micht intromet, be reaſon of their office, doand their diligence thereto, under the paine of warding of their perſones, there to remaine induring the Kingis will: And as for the caſualities, ordainis all Schireffes, Stewardes, Baillies, and uthers, that aucht to make compte, reckoning, and payment of the ſamin, to compeir zeirlie in the Checker, be themſelves, or their ſufficiente deputes, at the daye aſſigned to them be the precepte, and there make compte, reckoning, and payment of all ſik caſualities, and do their utter diligence thereto, be the conſideration of the Lordes Auditoures, and departe not quhill they have done the ſamin, under the paine foreſaid.

97. *Anent the taking of the Kingis Rebelles: of the mainteining and reſetting of them.*

ALSWA, Anentis the execution of the actes of Parliament maid of before, be our Soveraine Lordis Progenitoures, upon them that committis ſlauchter and mutilation, and for apprehenſion of our Soveraine Lordis Lieges rebelles, and diligence to be maid therein, bee Schireffes and uthers Officiares of the Realme, baith in Regalitie and Royaltie: It is ſtatute and ordained, that the actes maid thereupon of before, be put to execution in all poyntes, and that all Schireffes, Stewardes, Baillies, and all uther officiares, baith to burgh and to lande, alſweill in the Regalitie, as in the Royaltie, doe their diligence to ſearche and ſeeke all our Soveraine Lordis rebelles, and being at his Horne, quhair ever they may be apprehended within their Baillieries, take and bring them to our Soveraine Lordis Juſtice, to be Juſtified for their demerites, under the paine of tinſell of their Offices for three zeires, gif they have the ſamin in heritage: And gif they have the ſamin for zeires, to tine the ſamin for ever, and to be accuſed upon their diligence in that behalfe, in the Juſtice aires, or at uther particular diettes, as ſall pleaſe the Kingis Grace. And that na maner of man within this Realme, wilfullie or wittinglie, receipt, ſupplie, mainteine, defend, or do favoures, to ony of our Soveraine Lordis rebelles, and being at his horne, within their houſe, landes, boundes, or Baillieries, under the paine of death, & confiſcation of all their moveable gudes, and to be called and accuſed here-upon, outher at Juſtice courtes, or particular diettes, as ſaide is. And gif the Officiares of the Regalitie beis foundin negligent (they being required hereto) it ſall bee leaſum to the Kingis Schireffes to put the ſaidis Actes to execution within the ſaide Regalitie, after the forme and tenour of the ſamin: And that the Juſtice Clerke inquire diligentlie hereupon, and take dittay, as effeiris.

98. *The time of ſelling of fiſh in the Mercat: Anent the way-carrying of fiſh: Of the price of fiſh.*

ALSWA, It is ſtatute and ordained, that na maner of perſon to Burgh nor to lande, bye ony maner of fiſhe in Mercat, nor uther places, to packe or peile, quhill elleven houres of the day, & fra elleven houres, to twa houres after noone, it ſall be leaſum to bye fiſh, and packe or peile the ſamin, as they thinke maiſt expedient. And not the leſſe, that all our Soveraine Lordis Lieges, cadgerres, and utheris within

that time of the day, be ſerved for their money of fiſh, to the furniſhing of the cuntrie: And ſik-like, fra twa houres after noone, to ſex houres at even, it ſall not be leaſum to bye, packe, or peile the ſaidis fiſh, bot that all our Soveraine Lordis lieges, at the ſaidis times of day, may be ſerved of all maner of fiſh, and bye the ſamin for their ſilver, for ſuſtentation of their houſe, and ſerving of the cuntrie about. And that na maner of perſon in this Realme, Merchand or uthers, ſend or have ony maner of quhite fiſhe foorth of the ſamin, bot it ſall be leaſum to ſtrangers to cum within this Realme, to bye the ſamin fra Merchandes and freemen of Burrowes, with reddie golde and ſilver, or be bartouring of ſufficient Merchandice, with the ſaidis Merchandes, or with the awners thereof, for their ſuſtentation, & neceſſares of their houſes allanerly. And quhair ony perſones hes ony fiſhe packed or peiled, that they bee reddie at all times to ſell the ſamin to all our Soveraine Lordis lieges, for furniſhing and ſuſtentation of their houſe and the Countrie, under the paine of confiſcation of the ſamin: IT IS Statute and ordained, that the Proveſtes, Aldermen and Baillies of Burrowes, in everie mercat day, paſſe and viſit the mercattes, and ſet ane price on all maner of fiſhe, according to the time: And that they diligentlie inquire, gif ony maner of perſon gives arles, or money on ony maner of fiſhe, that cummis to the mercat, to the effect, that the ſamin may be ſauld upon ane higher price, that they take and puniſh the ſaidis perſones, as cowpares, fore-ſtallers, and regratoures, againſt the commoun weill.

99. *That na thing be taken for quhiſſelling of gold.*

ALSWA, Anentis the artickle makand mention, that the Crowne of the Sunne, is commounlie refuſed within this Realme, it wantand ane graine of the weicht, how-be-it the ſamin hes paſſage in uther Countries, and ſpecially in the Realme of *France*, it wayand the Crowne of the King: Therefore it is thocht expedient, for the commoun weill, that na maner of perſon within this Realme, refuſe to take the ſaide Crowne of weicht, in payment, or for change for uther money, after the forme of the Kingis Grace Proclamation, ſuppoſe the ſamin want ane graine allanerlie, under the paine to be called and accuſed, as breakers of the ſaid act of Parliament: And becauſe ſindrie perſones havand quhite money, will not change for gold, bot takis therefore twelve pennies, or mair for quhiſſelling of the ſamin, in high contemption of our Soverain Lord, and his authoritie: Herefore it is ſtatute and ordained, that all maner of perſons, havand quhite money, that they reddelie change all maner of gold, conteined in our Soverain Lordis cry, of the prices conteined in the ſamin, without taking of ony maner of money therefore, under the paine foreſaide; & to be accuſed as oppreſſoures of our Soveraine Lordis lieges: And that na maner of man take upon hande, for to wrong the Crowne of weicht, or ony uther Gold of weicht, throw pretence of this act, under the paine to be accuſed and puniſhed, as falſers of the Kingis Grace money, conforme to the commoun Law, and ſtatutes of the Realme.

100. *The Proveſt, Baillies, and Councell, ſuld make the prices of Wine, Salt and Timmer.*

ALSWA, toutching the exorbitant dearth and prices of Wine, ſalt and Timmer: It is ſtatute and ordained, that the Proveſt, Baillies, and Councell of Burrowes, quhair ony Schippes or ſtrangers arrivis, or ſall happen to arrive in times cumming, laden with Wine, Salte, or Timmer, conveene with the Merchandes that awe the ſaidis Wine, Salt, and Timmer, & bye, or ſet ane price upon the ſamin reaſonably; that na maner of man, freeman, or un-freeman, bye ony of the ſaidis Wines, Salt, or Timmer, bot fra the ſaidis Proveſt and Baillies, or awners thereof, and the prices being maid be them, as ſaid is, na man to bye, quhill the Kings Grace be firſt ſerved: And his Grace and officiares, being contented for-ſa-meikle, as will pleaſe them to take to our Soverain Lordis uſe allanerlie, that Noble-men of the Realme, ſik as Prelates, Barronnes, and uthers Gentle-men of the ſamin, be ſerved of the ſamin prices: And thereafter all and ſindrie our Soveraine Lordis lieges be ſerved upon the ſaidis prices: And gif ony man cummis incontrair hereof, or fore-ſtallis the ſaidis Wines, Salte, or Timmer, the ſamin to bee eſcheitted to the Kingis Grace: And gif the Proveſt, Baillies, and Councell, beis foundin negligent in the exercing of their Offices, they to tine the ſamin, and not to bruik Office nor honour, for the ſpace of three zeires thereafter. And gif ony freeman, or uther *Scottis-man*, dwelland within this Realme, bringis hame ony Wines, Salte, or Timmer, upon their awin adventure, that the Proveſt and Baillies of Burrowes, at the entrie of the Schippes in the buikes of the Towne, ſee and conſidder their merchand Billes, and how the ſaidis Wines, Salte, and Timmer was coſt and ſaulde: and ſik-like conſidder their un-coaſtes and frauchte, and thereafter ſet ane competent price, how the ſamin may be ſaulde, and as they ordaine, that the ſamin be ſauld of the ſamin price, and na higher: And that the Proveſt and Baillies, do diligence to inquire and get wit in dew time of the zeir, how Wine, Salt, and Timmer is ſauld and coſt in uther Cuntries, that they may make the prices the better, effeirand to the gudneſſe of the ſtuffe.

101. *Viſitoures of Hoſpitalles.*

ITEM, Anentis the Hoſpitalles: It is deviſed, ſtatute, and ordained, that the actes of Parliament maid thereupon of before, be our Soveraine Lordis maiſt Noble Progenitoures, bee put to execution in all poyntes, and that certaine viſitoures be maid, to the effecte that they may paſſe and conſidder the foun-

dation of all Hoſpitalles, and to cauſe the ſamin be keiped, conforme to the firſt foundation, and the ſaid viſitoures to be named be the Kingis Graee.

102. *Of the Bigging of* Leith-wynde.

ALSWA, Tuitching the reparationes and mending of deformities within the Towne of *Edinburgh*, and ſpeciallie quhair there is commoun paſſage and entreſſe, quhairby all ſtrangers and uthers our Soveraine Lordis lieges, paſſis and repaſſis: It is thocht expedient, and als it is ordained, that the Proveſt, Baillies, and Councell of *Edinburgh*, garre warne and charge all maner of perſones, that hes ony landes, bigginges, and waiſtes, upon the Weſt-ſide of *Leith-wynde*, That they within zeir and daye, big and repaire honeſtlie their ſaidis waiſtes and ruinous houſes: And that they beginne to the ſamin within three Monethes, and that they end the ſamin within zeir and day, or elſe ſell the ſamin to uthers to be bigged, within the ſaid ſpace: And to charge them that ar knawin, perſonallie, and all uthers be open Proclamation at the mercat croce of *Edinburgh*, with certification to them, & they failzie, the ſaidis Proveſt & Baillies ſall cauſe the ſaidis landes, tennementes, and waiſtes to be appriſed, and ſall ſell the ſamin to ony that will bye them, & paye the prices thereof to the awners: And gif na man will bye them, it ſall be leiffull to the ſaidis Proveſte and Baillies, to caſte downe the ſaids waiſte landes, and with the ſtuffe and ſtanes thereof, bigge ane honeſt ſubſtantious wall, fra the Porte of the Nether-bow, to the *Trinitie* College: And it ſall not be leiffull in times cumming, to ony maner of perſon to perſew them, nor their Succeſſoures therefore, nor pretende ony richt or entres thereto in time to-cum, nouther for the principal lande, nor for annualles awand foorth thereof: And becauſe the Eaſte ſide of the ſaide Wynde, perteinis to the Abbot and Convente of *Halyrude-houſe*: It is ordained, that the Baillies of the *Cannon-gate*, garre ſiklike be done upon the ſaid Eaſt-ſide: And als becauſe of the vilitie that cummis bee ſlaying of fleſhe be the fleſchoures dwelland on the Eaſt-ſide, & tuming entrailles of beaſtes, generand corruption: It is therefore ordained, that the ſamin be forbidden be the Proveſt and Baillies of *Edinburgh* and *Cannon-gate*, under the paine of confiſcation of all ſik fleſhe ſlaine be them, in maner foreſaid.

103. *Anent the mercat of* Edinburgh.

ITEM, Becauſe the mercatte of meall, and uthers victualles of the Towne of *Edinburgh*, is commoun upon the Hie-gate, to the ſight of all maner of perſones, ſtrangers and uthers, and that ane multitude of vile, un-honeſt and miſerable creatures, conveenis to the ſaide mercatte dailie, to get their ſuſtentation and living: Therefore it is thocht expedient, that the ſaid meall-mercat be remooved off the Hie-gate, in ſum honeſt, gainand, and convenient place, quhair the nicht-boures of the ſaid Towne, and uthers the Kingis lieges, may conveene, for ſelling and byeing of ſik victualles in time to-cum.

104. *The paines of Judges that dois wrang: And of them quha ſlanders them wrangeouſly.*

SWA It is ſtatute and ordained, that for-ſa-meikle as it hes bene heavilie murmured to our Soveraine Lorde, that his Lieges hes bene greatlie hurte in times by-gane be judges, baith Spiritual and Temporal, quha hes not beene allanerlie judges, bot plaine ſolliſtares, partial Counſelloures, aſſiſters and partakers with ſum of the parties, and hes tane great geare and profite.

Therefore it is ſtatute and ordained in times cumming, that all Juſtice, Schireffes, Lordes of Seſſion, Baillies of Regalities, Proveſt and Baillies of Burrowes, and uther deputes, and all uther Judges, Spiritual and Temporal, alſweill within Regalities as Royaltie, ſall do trew and equal Juſtice to all our Soveraine Lordis lieges, without ony partial Councell, rewardes, or buddes taking, further then is permitted of the Law, under the paine of tinſell of their honour, fame, and dignitie, gif they be tainted and convicted of the ſamin: And gif ony maner of perſon murmuris ony Judge, Temporal or Spiritual, alſweill Lordes of Seſſion, as uthers, and proovis not the ſamin ſufficientlie, hee ſall be puniſhed in ſemblable maner and ſorte, as the ſaide Judge or perſon quhom he murmuris, and ſall pay ane paine arbitrall, at the will of the Kings Grace, or his Councell, for the infaming of ſik perſones: Providing alwaies, gif ony Spiritual man failzies, that he be called before his judge Ordinar.

105. *Proviſion and paines of them committand fraude in alienation or uther waies.*

ITEM, For eſchewing of inconvenientes, that oft and diverſe times happenis in this Realme, of the new invented craſte and falſed committed and done dailie be them that ſellis their landes, or diſponis the ſamin, *ex titulo oneroſo*, that puttis their Bairnes or uther friend, and perſon in the ſtate of the ſamin, before the daite of the ſelling or giving thereof to uthers, as ſaid is: Herefore it is ſtatute and ordained, that quha ſellis and diſponis ony landes or annual-rentes to ony maner of perſon, for ony cauſe, quhair warrandice may fall, and puttis uthers in private ſtate thereof, not be reſignation in the Kingis Grace handes, nor be confirmation with precept, paſt furth of the Chancellarie, nor be plaine reſignation in the Over-lordes handes, or confirmation of the Over-lord, and the perſon that happenis to get thir landes, and bruikes the ſamin peaceablie, zeir and daye, be labouring, manuring, and uptaking of the mailles, profites, & dewties,

dewties, and ſwa kenned heretable poſſeſſour thereof, zeir and daye: The perſon or perſones havand private ſtate and ſaiſing of the ſaidis landes, ſall never be heard, to claime the ſamin, againſt the ſeconde heretable poſſeſſour, for ony cauſe, bot to perſew his intereſt againſt the principal giver, and his aires: And the perſon ſeller or giver, to be called and declared infamous, at the Kingis Grace inſtance, and to be puniſhed in his perſon and gudes, at the Kingis Grace will and pleaſure. And gif the Over-lordes receivis double reſignationes wittandlie, to the effect abone written, they to bee puniſhed ſik-like: And this Acte to be extended to them, that makis double aſſedationes, and double aſſignationes.

106. *The creditour may perſew him quha is charged to enter within fourtie daies, and enters nocht.*

AND Anent the remeid to be put to the fraude dailie committed be heretoures of them that ar dead, and ar awand great ſummes of money, to ſindrie perſones their creditoures, and the ſaidis aires fraudfullie lyis foorth, and will not enter to their landes, ſwa that they may be diſtreinzied for the ſaidis debtes, in caſe they be not diſtreinzieable in uthers moveable gudes: Therefore it is ſtatute and ordained, that letters ſall be direct be deliverance of the Lordes of Councell, and at the inſtance of ony compleiner, to commande and charge the ſaidis heretoures (they beand of perfite age) to enter to their landes, zeir and daye being paſte, after the deceaſe of their Father, or predeceſſoures, quhom to they ſucceede, to enter to the ſamin, within fourtie daies, nixt after their charge: And failzieing thereof, letters ſall be direct to the Schireffe of the Schire and his depures, to appriſe the ſaidis landes to the ſaidis creditoures, for the ſaidis debtes (gif they be liquide.) The quhilk proceſſe of appriſing, ſall have als greate ſtrength, force, and effect, as the ſaidis aires were entred thereto, and the ſaidis appriſed landes to be halden of the immediate ſuperiour thereof: Providing alwaies, that it ſall be leaſum to the ſaidis heritoures, and their ſucceſſoures, to redeeme the ſaidis landes, within ſeven zeires, conforme to the acte of Parliament maid there-upon of before, and after the tenoure thereof in all poyntes.

107. *Of packing and peiling.*

ITEM, It is ſtatute and ordained, that na perſon uſe packing nor peiling of wooll, hides, nor skinnes, loſſe nor laid, out-with free Burgh, and priviledge thereof.

108. *Anent furth-having of money of the Realme.*

ITEM, Our Soveraine Lorde, with adviſe of the three Eſtaites of Parliament, ratifies and apprievis, the actes and ſtatutes maid of before, anent the furth-having of money furth of the Realme, be Prelates, Kirk-men, and uthers, in furniſhing of their expeditions and buſineſſe, bot that the finance thereof be maid be Merchandes.

109. *Meaſures of fiſh ſuld be marked.*

ITEM, It is ſtatute and ordained, that ane binde and meaſure be maid for Salmounde, Herring and Keiling: And that the ſamin be keiped throw all the Realme: And that the ſaide meaſure be conforme to the actes of Parliamente, and to that effect, that ilk Cowpper have ane burning iron of his Marke, to marke ilk Barrel, and ſik-like the towne to have ane ſearchour, quhilk ſall have the townes marke in keiping, to burne ilk Barrell, ſwa that our Soveraine Lordis Cuſtome thereof bee not defrauded: And gif ony fiſh, Salmounde, Herring or Keiling, beis foundin in ſik barrelles un-marked, the ſamin to be eſcheit, and ſik-like the tume trees, that ane halfe be to our Soveraine Lord, and the uther to the towne.

110. *The paines of them that tinis the pley within Burgh.*

ITEM, It is ſtatute and ordained, that gif ony perſon perſewis ane uther within Burgh, that the tiner of the cauſe, pay the winners expenſes, to be modified be the judge, conforme to the commoun Law, and dailie practickque of the Lordes of Councell.

111. *Anentis conduction of Craftef-men.*

ITEM, Becauſe it is heavelie murmured, that all Craftef-men of this Realme, and ſpecially within Burrowes, uſis ſik extorſion upon uthers our Soveraine Lordis Lieges, be reaſon of their craftes and privie actes and conſtitutiones, maid amangeſt themſelves, contrair the commoun weill, and in great hurte, prejudice, damnage and skaith to all the Lieges of this Realme: Therefore it is ſtatute and ordained, that in all times cumming, it ſall be leaſum to all our Soveraine Lordis Lieges, that hes ony bigginges or reparationes to be maid, for the making of policie in this Realme, outher to Burgh or to Lande, to chuſe gude Craftef-men, free-men, or uthers, as he thinkis maiſt expedient, for ordouring, bigging, and ending of all ſik warkes. And gif ony Craftef-men beginnis the ſaid warke, and delayis to end the ſamin, that the perſon that cauſis to big the ſaid warke, or reparation foreſaide, may chuſe and take uthers in their places, als oft

as neede beis, to furniſh and ende foorth the ſaide warke, for policie of the Realme: And that na impediment be maid to ſik Craftes-men, uſand their Craft, as ſaide is, be ony uther of the ſaide craft within this Realme, under the paine of tinſell of their freedome, and breaking of the actes of Parliament: And that the Proveſt and Baillies of all Burrowes, take inquiſition hereupon, and put this acte to execution in all poyntes.

112. *For drawers of Claith.*

ALSWA, It is ſtatute and ordained, anentis drawers of claith, and Litſtars of falſe coullours: That in everie Burgh, there be an qualified man choſen, to ſeale all claith, and ſall have for his laboures, of ilk ſteik ſealling, twelve pennies. And gif ony drawers of claith, beis apprehended, that ane halfe of the ſaidis gudes, to be our Soveraine Lords eſcheit, and the uther halfe to the Burgh, and the ſaid drawers within Burgh, for the firſt faulte, to tine their freedome for zeir and day: And for the ſeconde fault for ever. And ſik-like, of them out-with Burgh, dingand calk, creiſche, flailland, or cardand claith, that the ſamin be eſcheit, and they halden to refound the skaith to the awners: And gif the ſaide ſellar beis foundin culpable, ſealland un-ſufficient coullour, or drawen claith, he to tine his freedome, and to be puniſhed in his perſon and gudes.

113. *Fore-ſtallers within Burgh.*

ITEM, It is ſtatute and ordained, gif ony Fore-ſtallers be apprehended, fore-ſtalland ony maner of Merchandice, victualles, pultrie, or gudes quhat-ſum-ever, within the freedome of Burgh, that the Officiares of the ſaide Burgh, eſcheit the ſamin, the ane halfe to our Soveraine Lordis uſe, and the uther halfe to the Burgh, conforme to the acte of Parliament maid hereupon of before: And that na uther Officiar have power thereto, within the boundes of free Burgh.

114. *Anentis weichtes.*

ITEM, It is ſtatute and ordained, that na Burgh have ane weicht to bye with, and ane uther to ſell, differente in weicht thereſra, bot that all Burrowes have ane univerſall weicht of the ſtane, baith for byeing and ſelling of all ſtuffe in time to cum.

115. *Annexation of landes to the Crowne.*

OUR SOVERAINE LORDE, With adviſe and conſent of his three Eſtaites, hes annexed the Landes under written, to remaine perpetuallie with his Grace, and his Succeſſoures, as patrimonie of his Crowne, with all clauſis, reſtrictiones and proviſiones, ſik-like as is conteined in the annexations of uthers landes, maid be his Hieneſſe in his laſt Parliament, and be his Predeceſſoures, Kingis of *Scotland:* And wills that the ſamin be halden as for expreſſe in this preſent acte: Of the quhilkis landes the names followis: That is to ſay, All and haill the lands of *Cro-mar* and *Braa* of *Mar:* All and ſindrie, the landes of *Hinder-land*, with the Towre and Fortalice of the ſamin, and their pertinentes, advocationes and donationes of Kirks and Chaplanaries: All and ſindrie, the lands and Barronnie of *Eaſt-weemes*, Towre and Fortalice of the ſamin, advocation and donation of Kirkes, tennents, tennandries, partes, pendickles, annexes, connexes, and pertinentes thereof: And all uther and ſindrie landes, quhilkis perteined to umquhile *James Colvill* of *Eaſt-weemes* Knicht, the time of his deceaſe, and nowe perteining to OUR SOVERAINE LORDE, be reaſon of doome of forefaltour given thereupon: And als the landes of *Buckhaven*, except ſa-meikle thereof, as pleaſe the Kingis Grace, to give to the Abbot, and convent of *Dumfermeling*, in *excambium*, for ane parte of their landes of *Weſter-Kinghorne* beſide the *Brint-Ilande*, conforme to the Charters to be maid thereupon. And als except it ſall be leaſum to our ſaid Soveraine Lorde, to ſet his ſaide annexed landes in few, for augmentation of his zeirlie rente, conforme to the acte of diſſolution maid in this preſent Parliament.

116. *The diſſolution of the union, for ſetting of fewes.*

ITEM, Becauſe it is thocht be the Kingis Grace, and the haill three Eſtaites of this Realme, that the ſetting of his landes, baith annexed and un-annexed in few, is to the great profite of his Crowne, ſwa the ſamin be maid in augmentation of his rentall: It is therefore ſtatute and ordained be our Soveraine Lorde, and his three Eſtaites of this preſent Parliament, that it ſall be leaſum to his Hieneſſe, to ſet all his proper landes, baith annexed, and un-annexed in few-ferme, to ony perſon or perſons, as he pleaſis, ſwa that it be not in diminution of his rentall, graſſumes, or ony uther dewties, bot in augmentation of the ſamin, and to ſet them with ſik clauſis, as he thinkis expedient, and to be given, according to the condition foreſaide. And that the landes, that he ſettis in his time, as ſaid is, ſtand perpetuallie to the aires, after the forme of their condition: And that this ſtatute indure for the life-time of the King, our Soveraine Lord that now is, allanerly: ſwa that the landes that he ſettis in his time, with the conditions foreſaidis, ſall ſtand perpetuallie: And after his deceaſe, the annexationes quhilkis ar maid of before, ſall returne againe to the awin nature, ſwa that his Succeſſoures ſall not have power to annalie nor ſet in few, mair then they had before the making of this ſtatute.

117. *That*

117. *That na faith be given to evidentes ſealed, without ſubſcription of the principal or Notar.*

ALSWA It is ſtatute and ordained, that becauſe mennis ſeales may of adventure be tint, quhair-throw great hurt may be genered to them that awe the ſamin: And that mennis ſeales may be feinzied, or put to writinges, after their deceaſe, in hurte and prejudice of our Soveraine Lordis lieges: That therefore na faith be given in time cumming, to ony obligation, band, or uther writing under ane ſeale, without the ſubſcription of him that awe the ſamin, and witneſſe: or elſe gif the partie cannot write, with the ſubſcription of ane Notar thereto.

118. *Anentis burning of Cornes, raiſing of fire, and raviſhing of weemen.*

ITEM, It is ſtatute and ordained, that the committers of the crimes of fire-raiſing, and raviſhing of weemen, be put under ſovertie to the Law, like as the crimes of ſlauchter and mutilation: And in-caſe of none-finding of ſovertie, to denunce them rebelles, like as men-ſlayers. And als becauſe the burning of Cornes in barne zairdes, is ſa greate offenſe againſt the commoun weill: That therefore there be never reſpect nor remiſſion given in time to-cum, to ony perſones that burnis cornes in ſtacks or barnes, bot the committers thereof, to be juſtified to the death, or elſe baniſhed the Realme for ever.

119. *Anentis them that breakis or paſſis contrair the Kingis Grace priviledges, granted to him be the ſeate of* Rome.

ITEM, Anentis the artickle maid to provide how the auld actes and ſtatutes, maid againſt them that dois contrair the Kingis priviledges, granted to his Predeceſſoures and Succeſſoures, be the ſege of *Rome*, and ſpeciallie Temporal men, that ar contrair the ſaidis actes, in licht-lying of the Kingis authoritie, makis finance and furniſhing to the perſones, breakand and hurting our Soveraine Lordis priviledge, quhat ordour ſall be taken againſt *Scottis* Clerkes, remainand in *Rome*, that ſtands contrair our Soveraine Lordis priviledge: It is ſtatute and ordained in this preſent Parliament, that the ſtatutes and actes maid thereupon of before, againſt them, paſſand contrair our Soveraine Lords priviledge, be obſerved and keiped in time to-cum: And that dittay be taken upon the breakers of ony of the ſaidis actes, to underly the Law for the ſame, the thrid daye of the nixt Juſtice aire of the Schire, quhair the breakers dwellis, or upon fifteene daies warning, before our Soveraine Lordis Juſtice principall, or his deputes, quhen, and quhair they ſall be ſummoned thereto, be our Soveraine Lordis letters, ſwa that Juſtice ſall be extreemelie done upon them paſſand incontrair the priviledge granted to the Kingis Hieneſſe, and breakand the actes and ſtatutes maid thereupon, after the forme and tenour thereof.

120. *The neareſt of the Kin, to have the gudes of minors, that dies inteſtat, without prejudice of the Quote.*

ITEM, Anent the artickle proponed: For-ſameikle as oft-times zoung perſones dies, that may not make teſtamentes, the Ordinares uſis to give their executoures Datives to their gudes. quhilkis intromettis therewith, and with-drawis the gudes fra the Kin and friendes, that ſuld have the ſamin be the Law: It is ſtatute and ordained, bee the three Eſtaites of this preſent Parliament, that quhair ony ſik perſons dies within age, that may not make their teſtamentes, the neareſt of their Kin to ſucceede to them, ſall have their gudes, without prejudice to the Ordinares, anent the Quote of their teſtamentes.

121. *All the Kingis Lieges may ſell bread in* Edinburgh *on mercat dayes.*

ITEM, Becauſe of the great repaire in *Edinburgh*, throw reſorting of our Soveraine Lord his Lieges, and uthers ſtrangers, and it is neceſſar, that they be provided of bread, gude and ſufficient ſtuffe: Therefore it is ſtatute and ordained, that there be oulklie three mercat dayes for ſelling of bread within the ſaid Towne: That is to ſay, *Mononday*, *Wedneſ-day*, and *Fryday* oulklie, upon the quhilk daies, it ſall be leiſfull to all our Soveraine Lordis lieges, baith to burgh and to land, to cum upon the ſaid mercat daies to the ſaide Towne, and ſell their bread for reddie money, without trouble or injuries to be done to the perſones, cummande with their bread, to the effect foreſaid.

122. *All the Kingis Lieges may ſell fleſh in* Edinburgh *on the mercat dayes.*

ITEM, It is ſtatute and ordained, that there be three mercat daies oulklie in the ſaide Towne, for ſelling of fleſh: That is to ſay, *Sunday*, *Mononday*, and *Furiſday* oulklie all maner of perſones, baith to Burgh and to Lande, ſall be free to cum and ſell fleſh for reddie money, for the furniſhing of our SOVERAINE LORDE, and his Lieges, and uthers repairand to the ſaid Towne.

123. *Talloun ſuld not be carried awaie, nor barrelled.*

ITEM, For-ſameikle as it was ſtatute and ordained of before, that na Talloun ſulde be had foorth of the Realme, for the eſchewing of the dearth of the ſamin, not-theleſſe the Talloun is caryed foorth in greate quantitie, quhilk hes raiſed exceedand dearth in the Cuntrie, puttand the ſtane of Talloun to ane double price or abone: THEREFORE It is ſtatute and ordained in this preſent Parliament, that na perſon nor perſones, take upon hande in time to cum, to carry ony Talloun foorth of the Realme, under the paine of tinſell of all their gudes moveable, cummand in-contrair hereof: And that all Cuſtomers, at everie Porte of the Realme,

Realme, quhair Schippes ar frauchted, make ſearchoures to ſearch and ſeeke all Schippes; and quhair ony Talloun beis ſchipped, or brocht to the Schippes, to be caryed foorth of the Realme, to eſcheit the ſamin: That is to ſay, that ane halfe be to their awin uſe that apprehendis the Talloun, and the uther halfe to OUR SOVERAINE LORDIS uſe. And that the Cuſtomers make compt here-upon zeirlie in the Checker: And als, that they advertiſe OUR SOVERAINE LORDIS Theſaurar of the perſones awners of ſik Talloun eſcheited, ſwa that he may in-bring the remanent of their moveable gudes, to OUR SOVERAINE LORDIS uſe, for their contemption: And in likewiſe, that na maner of man, fleſcheour, nor uthers, to Burgh nor to land, take upon hand, to rinde, melt, nor barrel talloun, under the paine of tinſell of all their gudes.

124. *Of them that counterfaictis the Kingis money.*

ITEM, For-ſameikle as diverſe wicked, evil adviſed perſones, feinzies and counterfaictis our Soveraine Lordis money, quhilk may returne to the greate damnage of this Realme, without remeid bee provided therefore in time: Therefore it is ſtatute and ordained, that all Proveſtes, Alder-men, Baillies, and Officiares of Burrowes, ſearch and ſeeke upon all mercat daies, and uther times neceſſar, all perſones that can be apprehended, havand falſe money, or counterfaictis the Kingis irons for cuinzie: And bring or ſend them to our Soveraine Lordis Juſtice, to be juſtified for their demerites, after the forme of the Lawes of the Realme, maid upon falſe cuinzieoures.

125. *He that takis places of Biſhoppes and Abbotts, after their deceaſe, committis treaſon.*

SWA In the firſt, for the honour of God, and halie Kirk, our Soveraine Lorde, with adviſe of the three Eſtaites, ordainis that the freedomes, priviledges, and immunities of halie Kirk, and all Spiritual perſones, be obſerved and keiped in honour, worſhip and dignitie, for the time of our Soveraine Lord, that now is, like as hes bene in the time of his maiſt Noble Progenitours of gude minde, quhome God aſſoilzie, of before, with this addition: That for-ſameikle as quhen Prelates, ſik as Biſhopprickes or Abbacies, happenis to vaik, the nomination thereof, perteinis to our Soveraine Lord, and the proviſion of the ſamin, to the *Paipe:* Nevertheleſſe, evil diſpoſed perſones in troublous times, hes put handes, and taken Biſhoppes Caſtelles, Palices, and Fortalices, at their awin hand, be their awin authoritie, and but our Soveraine Lordis command, conſent, or letters, at times quhen Biſhoppricks vaiks and uthers: and in likewiſe, enters in Abbaies and takis them, and puttis the ſame in keiping in ſecular mennis handes, but conſent, command, or letters of the Kingis Grace, and als but commande, adviſe, or deſire of the Conventes of ſik Abbaies, in hie diſpleaſure of GOD Almichtie, and in hie contemption of our Soveraine Lordis authoritie, quhair-throw the Kirk and Kirk-men ar heaviely hurte and damnaged: Therefore it is ſtatute and ordained in this preſent Parliament, that quhat-ſum-ever perſon or perſones, in ony time to cum, takis ony Biſhoppes Places, Caſtelles, or ſtrengthes, or enters be their awin authoritie in Abbaies, to halde thay places, but our Soveraine Lordis commande, letters or charges, or deſire of the Convents thereof, at times quhen ſik Biſhopprickes or Abbaies vaikes, or ony uther time, they not vaikand, but the Kingis authoritie, they ſall incurre the crime of treaſon and leſe-majeſtie, and ſall be called therefore at the Kingis pleaſure. upon their fore-faltour, and to tine their lives, landes, heritages, and gudes moveable, and un-moveable, honour, and offices, becauſe the Kingis Grace is halden and boundin, to deſend the Halie Kirk, and Kirk-men, in their juſt actiones.

126. *Officiares of armes may be deprived be the Theſaurer.*

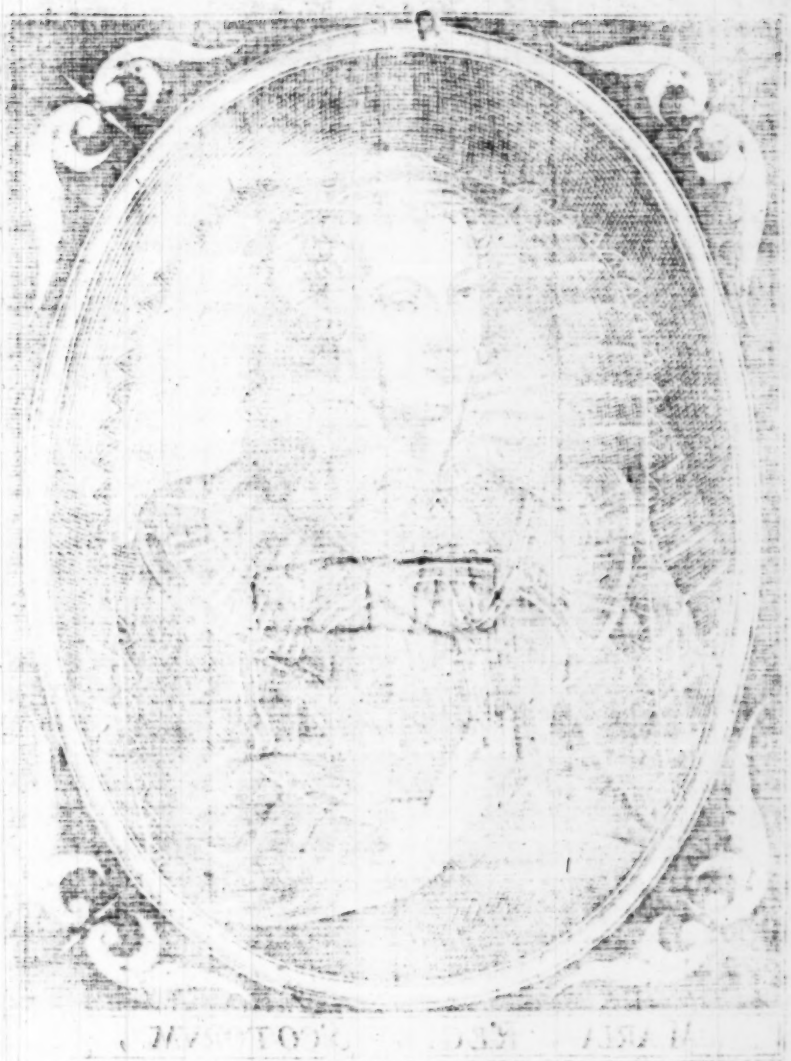
THE Lordes ordainis, that becauſe the Kingis Officiares, quhen they ar charged be the Theſaurer to do ſervice to the Kingis Grace in his earandes, alleagis that they have na Horſe nor their wages not ſufficient, quhair-throw diverſe maters concerning the commoun weill of the Realme, ar poſtponed: That therefore the ſaid Theſaurer ſall have power to take the armes fra ony of our Soveraine Lordis Officiares, under Heraulde, that refuſis to paſſe ſik earandes, as hee layis to their charge, in the Kingis name, in time to-cum.

127. *The Clerke of Regiſter havand the Kingis licence, ſuld cauſe imprent the actes of Parliament.*

OUR Soveraine Lord hes ordained, that the actes of Parliament maid be his Hieneſſe, be publiſhed outthrow all the Realme. And that all Schireffes, Stewardes, Baillies, Proveſtes and Baillies of Burrowes and uthers his Lieges, may have the copyes thereof, and pretend na ignorance, throw miſ-knawing of the ſamin; Hes ordained his Clerke of Regiſter, to make ane authentik extract and copy, of all the ſaidis acts, ſa far as concernis the commoun weill, under his ſubſcription manual, to be imprented, be quhat Prenter it ſall pleaſe the ſaid Clerke of Regiſter to chuſe: And it ſall not be leaſum to ony uther Prenter to imprent the ſamin within this Realme, or without the ſamin, or bring hame to bee ſaulde, for the ſpace of ſex zeires nixt to-cum, under the paine of confiſcation of the ſamin: Providing alwaies that the ſaid Prenter to be choſen be the ſaid Clerk of Regiſter, as ſaid is, have our ſaid Soveraine Lordis ſpecial licence thereto.

FINIS.

THE





MARIA, REG:, SCOTORVM,



THE FIRST

PARLIAMENT

OF

MARY, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the XIII. day of March, the zeir of God, ane thousand, five hundreth, fourtie and twa zeires: Be* JAMES *Earle of* ARRANE, *Lord* HAMILTOUN, *Tutour and Governour to her, the Realme and Lieges.*

1. *Passing of signatoures throw the seales, after the Kingis decease.*

THE Lord Governour, with advise of the three Estaites of Parliament, ratifies and approvis the acte maid at *Edinburgh*, the auchteenth day of *Januar*, last by-past, touching the passing of all signatoures, concerning infestmentes throw the seales: And sik-like of respectes, remissiones, and uthers, as is conteined in the saide acte, and after the forme and tenoure of the same: And prorogatis the terme conteined in the said acte, for raising of the saids seales: sik-like all summoundes to be raised under the quarter seale, quhill the first day of *August* nixt to-cum. Of the quhilk acte, the tenour followis: AT *Edinburgh* the auchteenth day of *Januar*, the zeir of God, ane thousand, five hundreth, fourtie twa zeires: The quhilk day it is thoucht necessar and expedient, be the Lords of Councell, at the command of the saide Lord Governour, for the commoun weill, and weill of sindrie Lordes, Barronnes, and Landed-men, and uthers our Soveraine Ladies Lieges, quha obteined before the decease of our Soveraine Lord, quhom God assoilzie, signatoures of new infestmentes of their landes be resignation, alienation, confirmation, and als remissiones, and maid compositiones therefore, with consent and advise of the Thesaurer, and was subscrived be our said umquhile Soveraine Lord, and his Thesaurer, quhilkis as zit ar not past the seales: Quhairfore the saidis Lordes ordainis and statutis, that all newe infestmentes and signatoures foresaidis, sall passe orderly throw all our saide umquhile Soveraine Lordes Seales, and to be of als greate strength, valour and effecte, as and they had bene raised asore his Grace decease. And albeit the great Seale, and privie seale ar now changed, and diverse precepts were direct of before, That is to say, to *David*, Cardinal of *Saint-Andrewes*, keiper of the privie Seale, and fra the said privie Seale, direct to *Gawin*, Arch-Bishoppe of *Glasgow*, Chancellar for the time: That the saidis precepts be answered be the keipers of the saidis seales, and they to be of als great strength, valour, and effect, as they were direct to *John*, Abbot of *Paslay*, now keiper of the privie seale: And to the saide *David*, Cardinal of *Saint-Andrewes*, now Chancellar and keiper of the great Seale: And als ordainis, that all precepts of saisinge els raised, upon infestmentes, granted be umquhile our said Soveraine Lorde, that ar else past the great seale, and sik-like that ar to be past upon the signatoures and precepts foresaidis, sall be sufficient, and of als great valoure, strength, and effect, for giving and taking of the saidis saisinges (notwithstanding our said umquhile Soveraine Lordis decease) as they had bene put to execution, and saising taken thereupon, asore his Grace decease: And that letters bee direct throw all the Realme, to publishe this constitution, and to

warne all maner of perſones, that hes raiſed ony ſignatoures and preceptes there-upon, in maner foreſaide, that they cum and paſſe under the ſaidis Seales orderlie, as effeiris, betuixt this and the Feaſt of *Paſche* nixt to-cum, with certification and they failzie, the ſaids ſignatoures and precepts raiſed thereupon, ſall be of na force nor effect, fra the ſaid day foorth, and ſall not be anſwered of the ſaidis Seales, the ſaid day being by-paſt.

FINIS.

THE SECOND

PARLIAMENT

OF

MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, *the fifteenth day of December, the zeir of God, ane thouſand, five hundreth, fourtie and three zeires.*

2. *Ratification of the inſtitution of the College of Juſtice, and payment of the contribution granted to them.*

THE Quhilk day, the Queenis Grace, with adviſe of the Lord Governour, and the three Eſtaites of the Realme, ratifies and apprievis the inſtitution of the College of Juſtice: With all priviledges, freedomes, and liberties, given and granted to the ſamin, in ſik-like maner, forme, and effect, as it was in umquhill our Soveraine Lords time, that laſt deceaſed, and ſenſine.

AND Mair-over, the three Eſtaites of Parliament, decernis and ordainis letters to be direct, to require the Ordinares to give their letters upon all Prelates, to cauſe payment be maid of all reſtes, awin be them to the ſeate of the Seſſion, of all termes by-gane: And ſik-like in time cumming zeirlie and termelie, within ſex daies nixt after their charge, under the paine of curſing: quhilk vj. daies being by-paſt, and they not payand: that the Queenis Grace letters be direct, to poynd and diſtreinzie their Temporal landes and gudes, conforme to the Actes maid of before, for in-getting of the contribution, for ſuſtentation of the perſons that dailie and continuallie remainis, for adminiſtration of Juſtice, to all the Lieges of this Realme.

FINIS.

THE

THE THRID PARLIAMENT OF MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the fourth daye of Auguſt, the zeire of God, ane thouſand, five hundreth, and fourtie ſex zeires.*

3. *Tennentes ſuld be removed in quiet maner, without convocation.*

THE Quhilk day the Lord Governour and the three Eſtaites of Parliamente, ratifies and apprievis in this preſent Parliament, the acte maid at *Striviling*, the elleventh day of *Junij*, the zeir of God, ane thouſand, five hundreth, fourty ſex zeires, maid anentis the laying furth of tennentes be their Over-lordes, as at mair length is conteined in the ſaid acte: of the quhilk the tenour followis: THE quhilk day the Lord Governour, with adviſe of the Queenis Grace, and Lordes of Councell, underſtandand that there is great convocationes maid in the Realm, for putting and laying of men furth of their tackes and ſteadinges, and ſik-like, to reſiſt to the Lordes of the ground, their Baillies and Officiares to lay them foorth, quhilk is the occaſion of great trouble and ſlauchter amangſt our Soveraine Ladies Lieges: Therefore it is ſtatute and ordained, that letters be direct to all Schireffes, Stewardes, Baillies, and their deputes, and to uthers Officiares of the Queenis; Schireffes in that parte, to paſſe to the mercat croce of the head Burrowes of the Schires, and there be open proclamation, commande and charge, all and ſindrie our Soveraine Ladies lieges, of quhat-ſum-ever degree they be, that nane of them tak upon hand to make ony convocation, for putting and laying furth of ony tennentes, bot that they be their Baillies and Officiares, lay furth the ſaidis tennentes gudes orderly, conforme to the Lawes of the Realme, obſerved and keiped in times bygane: Nor zit that na maner of tennentes make ony convocation or gaddering, for reſiſtance to their Lords of the ground, their Baillies and Officiares, under the paines conteined in the actes of Parliament, maid againſt them, that makis ony gadderinges or convocations, with certification to them that dois in the contrair, that they ſall be called at particular diets, and ſall be puniſhed therefore with all rigour, as accordis. And gif ony perſon thinkis them offended be uthers, ordainis that they ſall be called outher criminally or civilly, and juſtice ſall be miniſtred, as accordis.

The DISPOSITION of BENEFICES, wardes, reliefes, and mariages, and of poſſeſſiones of them that happenis to die in the armie: the zeir of God, ane thouſand, five hundreth, and fourtie ſeven zeires.

4. *Anent Kirk-men.*

AT *Monk-toun-Hall*, the aucht day of *September*, the zeir of God, ane thouſand, five hundreth, and fourtie ſeven zeires: The quhilk day, my Lord Governour, with adviſe and conſent of the Prelats, Kirk-men, Earles, Lordes, Barronnes, and all uthers Patrones of benefices, baith Spiritual and Temporal underſtandand that the haill bodie of the Realme, is paſſand forwarde at this time, to reſiſt our auld enemies of *England*, cumming in this Realme to invade the ſamin: Ordainis, that quhat-ſum-ever Kirkman that happenis to be ſlaine in this preſent armie, hurte to the death, or takis ſeicknes in the ſamin, and dies in the ſaid ſeicknes gangand, remainand, or cummand therefra: That the neareſt of the ſaid Kirk-mennis Kin, ſall have the preſentation, proviſion and collation of his benefice for that time allanerly: And the ſamin to be diſponed to the neareſt of his Kin, that happenis to be ſlaine, or deceaſe, in maner foreſaid, maiſt able therefore: And the profites of their benefices, with the fruites ſpeciallie on the grounde, with the annat theirafter to perteine to them and their executoures, alſweill Abbottes, Priores, and all uthers Religious men, as all uther Kirk-men.

5. *Anent the warde, reliefe and mariage.*

ITEM, It is ſtatute and ordained, that quhat-ſum-ever perſon or perſones, happenis to be ſlaine, hurte to the death, or take ſeickneſſe in our Soveraine Ladies armie, now ordained in reddineſſe to paſſe forwarde, for defenſe of the Realme, and reſiſting of our auld enemies of *England*, now gaddered to invade the ſame, and dies in the ſaid ſeicknes, gangand, remainand or cummand therefra: That their aire or aires, ſall have their warde, none-entreſſe, relieſe, and mariage, free; of our Soveraine Ladie, diſpenſand with their minoritie and leſſe age, quhat eilde that ever they be of, without payment of ony teinde-pennie: And ſik-like, of all uther Lordes, Spiritual and Temporal, baith of vaſſalles and ſub-vaſſalles: Providing that the aires foreſaidis, perſew and obteine entereſſe of their Over-lordes, within three termes after the deceaſe of their fathers, or of quhat-ſum-ever uther perſone, quhom to they ar to ſucceede, for the cauſes foreſaidis: And gif the ſaidis aires be of leſſe age, within tutorie, and beis not entred to their landes and heritage, before their age of fourteene zeires, quhilk may be throw negligence of their tutores, and uthers their friendes: Our Soveraine Ladie priviledgis and grantis to them, that they may enter within three termes, nixt after their compleit age of fourteene zeires, as ſaid is: And this to be extended to the mediate aire, that is to ſucceede to the perſon, that happenis to deceaſe in our Soveraine Ladies armie, in maner foreſaid: And becauſe it may happen the ſaid perſon, that happenis to deceaſe in the ſaid armie, to have maa lauchfull bairnes of his bodie by his aire: Therefore ordainis, that the profites of his waird landes be tane up be their Mothers, gif there be na tutoures Teſtamentars, als lang as ſcho remainis widow, and failzieing thereof, be the neareſt and lauchfull tutoures of the ſaids bairnes, to be diſtribute for the ſuſtentation of the ſaid aire, and to the utilitie and profite of the remanent of his brether and ſiſters, to the perfite age of the ſaide aire or aires: That is to ſay, gif the aire be male of twentie ane zeires, and gif they be femal of fourteene zeires, the profit of the ſaide aires mariage, being ay free to himſelfe, his ſaidis Mother, tutour, and governour, findand ſufficient caution before the Lordes, that they ſall make compt and reckoning of their intromiſſion, before the Lordes of Councell, or in the Checker zeirlie: And gif the aires of the perſones that happenis to die, as ſaid is, have ony fewes, that they enter ſik-like to their few landes, halden of quhat-ſum-ever perſones, Spiritual, or Temporal, within the termes foreſaidis, without ony payment of the doubling of the few.

6. *Anent poſſeſſiones.*

THE Quhilk day the Lorde Governour, and all the Noble-men, Barronnes, Free-halders, and Gentle-men, being conveened and aſſembled togidder, to paſſe forwarde, for defenſe of this Realme, and reſiſting of our auld enemies of *England*, now inſtantlie approcheand to the Lord Governour, and his armie: Hes deviſed, ſtatute and ordained, alſweill be the Lord Governours awin conſente, as the conſent of the Noble-men, baith Spiritual and Temporal: That gif it ſall happen (as God forbid) ony Earle, Lorde, Barronne, Free-halder, vaſſall, ſub-vaſſall, fewares, maillers, tackeſ-men, rentallars, and poſſeſſoures, or commounes to be ſlaine, or take ſeickneſſe, quhair-throw they happen to deceaſe at this preſent armie: That their aires, executours, or aſſignayes, ſall freelie have their awin wairdes, relieſes, and mariages in their awin handes, to be diſponed thereupon, as they ſall thinke expedient: And ſik-like their wives, bairnes, executours, or aſſignayes, ſall bruik their tackes, ſteadinges, rowmes and poſſeſſions, alſweill of Kirk-landes, as of Temporal mennis landes, and enter thereto, and remaine therewith freelie, for the ſpace of five zeires, without ony greſſum or entreſſe ſilver, payand allanerlie mailles and dewties, uſed and woont: And the ſaid act alſweill to extend upou Kirk-mennis vaſſalles, and Temporalles, as upon the Queenis.

FINIS.

THE

THE FOURTH PARLIAMENT OF MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the XXIX. daye of May, the zeire of God, ane thouſand, five hundreth, and fiftie ane zeires.*

7. *All the gudes moveable of them quha ſuſteinis the proceſſe of curſing ane zeir, or communicatis, being excommunicate ſall perteine to the King, the creditour being firſt ſatisfied.*

THE Quhilk daye, the Lorde Governeur, with adviſe of the three Eſtaites of Parliament, havand reſpect to the Noble, Catholick and Chriſtian actes and ſtatutes, maid bee umquhile our Soverain Lord, King JAMES the Fifth, that laſt deceaſed, quhom God aſſoilzie, for conſervation and halding of his Lieges in the trewe and godlie faith ever hiddertils, not onely be him, bot alſo be his maiſt Noble Progenitoures, inviolablie obſerved and keiped, ſen they firſt received the ſamin: And in ſpeciall, ſik ſtatutes, ordinances and actes maid anentis them that wilfullie, obſtinatelie, or arrogantly incurris the paines of curſing, be ony maner of way, and lyis under that damnable ſtait lang time, ſchawand their ungodlie life to uthers the faithfull lieges of this Realme, havand na regard to be participant of the merite of the bloud of CHRIST, quha throwe their arrogancie, obſtinacie, and in-obedience, wilfullie, throw coullour and pretenſe of devotion, to ſchawe their hie hypocriſie, cummis to the halie buirde of CHRIST, and receivis the Sacramente, lyand under the ſaide Cenſures of curſing, to the evill example, of uthers the gude, trew, ſimple Catholick people: And for remeid hereof, and for eſchewing of ſik evill, abominable, perverſe, & deteſtable vices in times cumming, to the effect that the lieges of this Realme may live in trew faith in our Soveraine Ladies time, that now is, as they have done in her maiſt Noble Progenitoures times: Hes ſtatute and ordained, that quhatſumever perſon or perſones, ar denunced curſed, for ony maner of cauſe in their Paroch Kirk openlie and publicklie, on ane ſolemned daye, in time of divine ſervice before noone, before the Parochin, or perſonally quhair-ever they be, before famous witneſſe, and lyis therein obſtinatlie be the ſpace of ane zeir, or receivis the bodie of CHRIST, bleſſed and halie Sacrament, under the ſaide curſing, un-reconciled to the boſome of halie Kirk, that all their gudes moveable throw that deede, ſall fall in our Soveraine Ladies handes, be reaſon of eſcheit, and that the ſamin be in-brocht to her uſe, quhair-ever they may be apprehended, to be diſponed at her graces pleaſure: Providing alwaies, that they at quhais inſtance ſik perſones ar denunced curſed, for ſummes of money, for fulfilling of ony deede, ſall be firſt ſatisfied and payed of all ſummes, or uther thinges that they may crave, be vertew of the ſaidis letters of curſing, of the ſaidis eſcheit gudes, and thereafter the remanent to perteine to our Soveraine Ladie. And that letters be direct to make publication hereof at all places needefull.

8. *Declared Traitoures may be ſlaine: And quha quarrellis the ſamin, committis treaſon.*

THE Quhilk day, Forſameikle as the Lorde Governours Grace, and three Eſtaites of Parliament, havand reſpect to the great, heavy, and abhominable crime of treaſon and leſe-majeſtie, committed be diverſe and ſindrie OUR SOVERAINE Ladies lieges within this Realme, and out-with the ſamin, for quhilkis ſik traitoures hes bene called, accuſed, and be the three Eſtaites declared traitoures in Parliament: Notwithſtanding ſik traitoures, ſwa baniſhed and fugitive, without licence or tolerance of our Soveraine Lady, or the Lord Governours reſpect, remiſſion, or *ſuperſedere*, cummis and reſortis againe within this Realme, and hantis and repairis amangſt our Soveraine Ladies lieges, like as they, nor nane of them had committed ony offenſe againſt our Soveraine Lady, the Lord Governour, the Realme, nor the authoritie, and ar receipt, fortified and mainteined be OUR SOVERAINE LADIES Lieges, their aſſiſters, favourers, mainteiners, and airt and part-takers with them in their treaſonable deeds, havand na regard toward our Soveraine Lady, the Lorde Governour, nor the authoritie: And in times cumming, to ſchaw that foule, abhominable crime of leſe-majeſtie and treaſon, and for puniſhment of the committers there-

of, their aſſiſters, favourers, mainteiners, receipters, ſortifiers, and partakers of all ſik Traitoures, and their companie, and to avoide the companie of uthers, OUR SOVERAINE LADIES trew and faithfull ſubjectes:

It is deviſed, ſtatute and ordained be the Lord Governour, and three Eſtaites of Parliament, that in caſe ony ſik declared traitour, or traitoures, happenis to be handled, taken, apprehended or ſlaine upon ſuddantie, or uther waies put to death: then and in that caſe, it ſhall not be leiffull to the kin, friendes, aſſiſters, fortifiers, mainteiners, favourers, or airt and part-takers with ſik traitoures on na wiſe, fra the time that ſik-like traitour or traitoures happenis too bee handled, apprehended or ſlaine fra thine foorth, to moove onie queſtion, pick, grudge or querrell, or beare onie rancour, hatred, or envie againſt the perſon or perſones, committers of the ſlauchter of ſik-like perſones traitoures, nor to perſew nor invade them for bodiely harme, ſlauchter, or utherwiſe, to injure them in word or deed for that cauſe, nouther for times bygane, nor to cum, under the pain of treaſon, with certification to quhatſumever perſon or perſones, that cummis in the contrair of the premiſſes, that he ſall be called and accuſed upon treaſon, like as the committar of the principall crime ſall be in like maner puniſhed, conforme to the Lawes of the Realme, with all rigour.

9. *Anent them that ſchuttis with gunnis at Deare and wilde-fowle.*

THE Samin daye, for-ſa-meikle as it was deviſed, ſtatute and ordained of before, that nane of OUR SOVERAINE LADIES Lieges, ſulde take upon hande to ſchutte with the halfe-hag, Culvering, or Piſtolet, at Deare, Rae, wilde-beaſtes, or wilde-fowles, under the paine of death: Notwithſtanding OUR SOVERAINE LADIES Lieges, daylie and continuallie in-contrair the tenour of the actes maid thereupon, incurrand the paines conteined in the ſamin, ſchuttis with the halfe-hag, culvering, and Piſtolette at the ſaidis wilde-beaſtes, and wilde-fowles, quhair-throw the Noble-men of the Realme, can get na paſtime of halking and hunting, like as hes bene had in times by-paſt, bee reaſon that all ſik wilde-beaſtes and wilde-fowles ar exiled and baniſhed, be occaſion foreſaide: And for remeid hereof: It is deviſed, ſtatute and ordained be the Lorde Governouris Grace, and the three Eſtaites of Parliament, zit as of before, that nane of OUR SOVERAINE LADIES Lieges, of quhat-ſum-ever degree hee be of, take upon hande to ſchutte at Deare, Rae, or uther wilde-beaſts or wilde-fowls; with half-hag, culvering or piſtolet in ony times to cum, under the paine of death, and confiſcation of all their gudes, for their contemption, and quhat perſon or perſones, that happenis to take or apprehend ony maner of perſones, cummand in-contrair this preſent acte and ſtatute, and bringis him to the Schireffe of the Schire, or his deputes, the taker ſall have the eſcheit of all the perſones gudes hee apprehendis, and ſall be rewarded utherwaies, as accordis for his laboures.

10. *The act maid anent the annuelles of landes burnt be our auld enemies of* England, *within Burrowes.*

AT *Edinburgh*, the elleventh day of *September*, the zeir of God, ane thouſande, five hundreth, and fiftie ane zeires, in preſence of the Lordes of Councell, compeired ane maiſt Reverand Father in GOD, *John*, Arch-Biſhop of *Saint-Andrewes*, Commendator of the Abbaie of *Paſlay* &c. For himſelfe, and the remanent of the Clergie of this Realme on that ane part: And the Proveſt and Baillies of the Burgh of *Edinburgh*, on that uther parte, and gave in thir artickles under-written, ſubſcrived be the hande of Maiſter *John Lawder*, Arche-Deane of *Teviotdale* Notar publicke, and deſired the ſamin to bee inſert in the buikes of Councell, and the ſaidis Lordes to interpone their authoritie to the ſamin. The quhilk deſire, the ſaidis *L*ordes thocht reaſonable, and ordained the ſaidis artickles to be regiſtred in the ſaid buikes of Councell, and to have the ſtrength of ane act and decreet of the *L*ords thereof, and hes interponed, and interponis their authoritie to the ſamin: And decernis and ordainis letters executorialles to be given hereupon, for dew execution of the ſaidis artickles, and everie poynt thereof, as effeiris. Quhairof the tenour followis.

Of the ARTICKLES and FOUNDAMENTS to be adviſed upon; touching the burnt landes and tenementes, within the Burgh of Edinburgh, *and uthers Burghs and Townes within the Realme of* Scotland, *burnt be the auld enemies of* England.

ITEM, The firſt artickle, quhair the Chaplaine be the ſight of the Maiſoun, wricht, and maiſter of warke, and uthers diſcreit men ſworne thereto, will contribute and pay the part of the expenſes, for the rate of their annuell, and maill of the houſe, as it payis preſentlie, that they ſall have their haill annuell, after the bigging of the houſe.

ITEM, The ground annuell appeiris to be payed, quha ever big the grounde, & failzieing thereof, that the annuellar may recognoſce the ground.

ITEM,

ITEM, In all uther annuelles, to adviſe gif the awners lets the ground to be un-bigged, quhat ſall be the Chaplainis part gif he may recognoſce the ſamin or not, or compell the awner to big the ſamin: And gif hee may do neither: gif hee may call for warrandice, after the forme of his foundation.

ITEM, Gif ſa-meikle reſtis un-burnt of the haill tenement, that awes the annuell, as will paye the ſamin, gif the annuell may be craved compleitlie.

ITEM, To adviſe, gif the Chaplaine hes the annuell under reverſion, and contributis with the biggar, conforme to the firſt artickle, to conſidder how lang thereafter, the annuell ſall be unredeemeable, or ſa-meikle as is contribute, to be eiked in the reverſion.

ITEM, Quhair the Chaplaine was Laird of the tenement, and the ſame haillelie burnt, and the patron required to big the ſame, refuſis and will not, and may not, ſik-lik the Chaplaine may not, quhidder it ſall be leaſum to the Chaplaine to ſet the ſame tenement in few, and require the patrone for his conſent, and gif hee refuſis, gif hee may be compelled thereto, or gif the Chaplaine may ſet the ſamin be his adviſe and conſent, or not.

ITEM, Quhair the haill tenement, after it be bigged, be ſet in fewe within the availe thereof, for the uphald of the ſame, and beis burnt, gif the fewar may be compelled to big the ſamin upon his awin expenſes or not: And quhat ſall be the Chaplainis part in that caſe.

ITEM, Gif the conjunct-feare or life-renter of tenementes, quhilks payis annuell to the Kirk, and is burnt, as ſaide is, gif they may be compelled be the Chaplaine, and aires of the ſaid tenement, to concur and big the ſame for their interes, and gif they be diſaſſentand thereto, quhat ſall be leaſum to the aire, and Chaplaine to do in that behalfe.

Here followis the proviſione, ordinance, and concluſion, maid to the artickles abone expreemed, and to be in all times cumming obſerved and keiped, anentis all annuelles of the burnt landes and tenementes, be the auld Enemies of England, *within the Burgh of* Edinburgh, *and uthers Burghs and Townes within the Realme of* Scotland, *awand alſweill to Spirituall men, as Temporall men: Concorded and agreed upon, betuixt the Lordes of the Artickles of Parliament, and the Proveſt, Baillies and Councell of the ſaide Burgh of* Edinburgh *for them, and the remanent Burghes and Townes of this Realme, to have the ſtrength of actes, ſtatutes, and ordinances of Parliament in all time cumming: The quhilk concluſion the Lord Governour, and the three Eſtaites of Parliament, upon the firſt daye of* Februar, *the zeir of God, ane thouſand, five hundreth, fiftie and ane zeir, ratified and apprieved.*

ITEM, In the firſt; anent the firſt artickle, given in be the annuellaris of the Burgh of *Edinburgh*, and uthers Burghes within this Realme: It is concorded, ſtatute and ordained, that gif the annuellar be the Judgement or ſight of the Maiſon, wricht, and maiſter of warke, craftſ-men, in the reparrelling of the tenement, quhilk is aſtricted to the annuell, and uthers diſcreit men ſworne thereto, will contribute and paye the part of expenſes, according to the rate of the annuelles, and the mailes of the houſes, quhilkis it givis now preſentlie, that the ſamin annuellaris quhatſumever they be, Spirituall or Temporall, ſall haev the haill annuell of the nixt terme, immediatlie following the bigging and repairing of the tenement or houſe, and ſall be free to poynd and diſtreinzie fra that time, alſweill for the by-gane, as to-cum, call and recognoſce therefore according to Juſtice: Providing alwaies, that gif ony queſtion or pley ſall happen to riſe anent the expenſes of the bigging, betuixt the annuellar and the heretour, the ſamin ſall be decided and diſcuſſed before the Lordes of our Soveraine Ladies ſeate of Juſtice, upon ane ſimple ſupplication, but outher diet or Table.

ITEM, Anent the ſecond and ſeventh artickles, quhilkis ar coincident: It is ſtatute and ordained, that quhidder the annuell be redeemeable, or unreedemeable, the annuellar havand the grounde annuell upon ony burnte lande, quhilk is, or beis reparrelled bee the awner thereof, that makis na contribution to the bigging of the ſamin, ſall wante the ſexte parte of the annuell, the few annuellaris ſall in likewiſe wante the fifth parte of their annuelles: The toppe annuellares, ſall in likewiſe want the fourth parte of theirs, and the awner of the burnte Land, quha hes bigged and reparrelled the ſamin, ſall not bee halden to paye mair of the ſaidis annuellis, *reſpective*, then cummis to the reſidue thereof, the ſaidis ſexte, fifth, and fourth partes, *reſpective*, being defaiſed.

Providing alwaies, that it ſall be leaſum to the annuelleres, notwithſtanding the defaiſance maid preſently, gif they pleaſe to bye in againe, and redeeme, fra the ſaid awner of the ſamin land, ſameikle of the ſaide annuell, as they ſall happen to want, bee particular redemption, as the ſaidis annuellers may cum to, and it were never ſa litle, payand proportionallie for ilk marke given downe, to the proportion and rate thereof, the ſumme of ten poundes *Scottis* money, but onie langer proceſſe allanerlie, the awner being required to receive his money, ſall bee ſufficient warning, and the annuellar to be anſwered fra the nixt terme of ſa-meikle as he payis money for, as hee offers reallie, and with effect, the awner being required, and refuſand; And in that caſe, the money to be deponed in the Proveſt and Baillies handes of the towne, gif they be baith Temporal: Bot gif they be baith Spiritual and Temporal, or baith Spiritual, in the Officialles hands of *Louthiane* being

for

for the time, and there to remaine to his utilitie and profite, that ſuld have the ſamin, and defaiſance of payment, in maner foreſaid, to be continuallie fra the bigging of the tenementes, aſtricted to the annuelles.

ITEM, The thrid artickle: It is ordained, that gif the awners of the burnt landes and tenementes, tholis the ſame to lye unbigged twa zeirs, after the dait of thir preſentis: It ſall be leaſum to the annuellers to perſew their annuelles *reſpective*; conforme to the nature and rate of everie annuell, as is abone expreemed: or to recognoſce the tenement for none-payment of the ſamin, the ſaidis twa zeires being furth-runnin, and to uſe their proceſſe for none-payment thereof, as accordis of the Lawe, and practick of this Realme.

ITEM, Anent the fourth artickle: It is ordained, that quhat kinde of annuell that ever it be, the ſamin lyand upon the haill tenement, gif ſameikle reſtis un-burnt of the haill, as will pay the ſamin annuell, the awner havand, by the annuell, twiſe als meikle as the annuell extendis to of zeirlie profite, the haill annuell ſall be payed: Utherwiſe it ſall bee proportionable, effeirand to the thrid penny of the zeirly availe of the tenement that ſtandis, and quhair the laif beis bigged, to have ſik-like interpretation, conforme to thir preſent artickles.

ITEM, Anent the fifth artickle, it is deviſed and concluded, that in-caſe the annuellar contribute with the awner of the burnt tenement, to the reparation thereof, conforme to the firſt artickle of the ſamin, the annueller ſall have the reverſion augmented, to the quantitie, extending to the thrid part of the ſumme, upon the quhilk the annuell is wod-ſet: Swa that quhill the principall ſumme, and halfe ſameikle with it be payed, the annuell to be unredeemeable: That is to ſay, in caſe the annuell lye upon twa hundreth markes, it is not to be redeemed, quhill three hundreth markes be payed, in-caſe foreſaid.

ITEM, Anent the ſext artickle: It is provided and concluded, That gif ony Chaplaine, be haill Laird of the burnt tenemente, unite to his Chaplanrie, as patrimonie theirof, and the patrone of the Chaplanry being required to big the ſamin, and nouther will not, or elſe may not, and in likewiſe the Chaplaine is not of puiſſance to do the ſame: It ſall be leaſum for policie, and eſchewing of deformitie of the Towne, to ſet the ſamin in few, to the utilitie and profite of his Chaplanarie; to ony that will offer maiſt therefore, without the patronis conſent, gif he refuſis to give his conſent: Providing alwaies, that the Patron be firſt required to take the ſamin in few himſelfe, and hee to be in that caſe preferred to onie uther, givand als meikle to the Chaplaine therefore, to the evident utilitie of the Chaplanarie, as ony uther will, without colluſion, and the Patron refuſand, the Chaplaine to bee free to doe therewith, as is abone written.

ITEM, As to the ſeventh Artickle, It is anſwered and concluded, as is conteined in the reſponſe and concluſion, maid to the ſecond artickle abone written, becauſe they were co-incident togidder.

ITEM, As to the aucht artickle, It is ſtatute and ordained, that gif there beis ony conjunct-fear, or life-rentar, of ony burnt landes: Conſideration being tane and had be the Proveſt and Baillies of the Burgh, quhat free maill the ſamin payed before the burning: It ſall be leaſum to the proprietar of the lande, to big the ſamin, gif he pleaſis, payand the ſaide conjunct-fear or life-rentar, during their lifetime, the thrid part of the free male, the quhilk the ſaide lande payed before the burning: Bot gif the conjunct-fear, or life-rentar pleaſis to big the ſamin, they to bee preferred to the proprietar, and to bruik the ſamin, during their life: And therefore ſall the proprietar and land baithe be boundin and obliſhed to them for to refound the thrid part of the money, quhilkis they deburſe, in bigging of the ſaids tenements, in neceſſar and profitable expenſes, to bee foorth cummand, to be given to them the time of their deceaſe, and thereafter to their executoures and aſſignayes, the land being alſweill bigged, as of before and nichtbour like.

FINIS.

THE

THE FIFTH PARLIAMENT OF MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, *the firſt daye of Februar, the zeir of God, ane thouſand, five hundreth, and fiftie ane zeires.*

11. *Anent the prices of Wines: mixtion thereof: Of them quha keipis quiet their Wine.*

THE Quhilk daye, forſameikle as the Lord Governour and three Eſtaites of Parliament, being remembred of the manifalde actes of Parliament: And diverſe uthers actes and ſtatutes, maid in generall Councell, and utherwaies, for ſuppreſſing of dearth in this Realme, of vivers and wines: Like as in the ſaidis Actes and ſtatutes maid thereupon, is at mair length conteined: Notwithſtanding the multiplie of Wines dailie cummand within this Realme, at the Eaſte and Weſt Seas, the prices thereof decayis not, bot the ſaide dearth remainis, and the occaſion thereof is underſtandin to conſiſt in our Soveraine Ladies Lieges, that foreſtallis and byis the ſamin in privie maner, & howe ſoone the ſamin ar coſt, puttis the ſamin in ſecreit houſes, and not in open taverns, ſelland the ſamin upon higher prices, nor the commoun Tavernes dois: And beſide the ſamin, ſik Wines as ar ſald in commoun Tavernes, ar commounlie bee all Taverners mixt with aulde corrupte Wines, and with water, to the great appeirand danger and ſeickneſſe of the byers, and greate perrell of the ſaules of the ſellers: And for remeid hereof, & to eſchew ſik inconvenientes in time cumming: It is deviſed, ſtatute and ordained be the Lord Governour, and the three Eſtaites of Parliament, That nane of our Soveraine Ladies lieges, take upon hande to bye onie Wines that is cummen, or ſall happen to cum at the Eaſte & North-lande Seas, fra this daye foorth, of ony dearer prices nor twentie pounde the tun of *Burdeaux* Wine, and the *Rochel* Wine for ſexteen pounde the tun, and that nane of them ſell the ſamin of ony dearer price, nor ten pennies the pinte of *Burdeaux* Wine, and the *Rochel* Wine for aucht pennies the pynt, within the boundes foreſaidis: And that na Wines that is cum in at the Weſt Seas, or is to cum in, be bocht of onie dearer price, nor ſexteene pound the tun of *Burdeaux* Wine, and the *Rochel* Wine for twelve or threttеen pound the tun, and that nane of them ſell the ſamin of ony dearer price, nor aucht pennies the pynt of *Burdeaux* Wine, and ſex pennies the pynt of *Rochel* Wine, under the paine of eſcheitting of all the ſaidis Wines, that they ſall happen to bye, togidder with the reſt of their gudes moveable, for their contemption: And that na maner of Taverners take upon hand to make onie mixtion with ony auld Wines and new Wines of this zeire, or put ony water in the ſamin, under the paine of eſcheiting of the puncheon, that ſik auld Wine or water ſall be put into, togidder with the reſt of all and ſindrie the Wines, being the awners of ſik ane taverne, and tinſell of their freedome for ever: And in like maner, that nane of our Soverain Ladies Lieges, byears of ſik Wines, and havares of taverns, take upon hande to huird or hide ony ſik Wine coſt bee them in their houſes and privie places, bot that they put the ſamin in their commoun Tavernes and Vaultes thereof, to bee ſaulde indifferentlie to our Soveraine Ladies lieges, upon the prices before expreemed, under the paines foreſaidis: Providing alwaies that the Burgh of Saint *John-ſtoun*, ſall have licence to ſell the Wines coſt be them, twa pennies of the quarte dearer, nor uther Burrowes adjacent unto them.

12. *Of the prices of wild and tame meates.*

ITEM, It is ſtatute and ordained, that the acte and ordinances maid upon the prices of all wilde-fowles and tame-fowles, be obſerved and keiped, and upon the byers and ſellers thereof, to be put to execution in all poyntes, after the forme and tenour thereof, and the paines conteined in the ſame to be execute upon them: Of the quhilk the tenour followis: The quhilk daye; For-ſa-meikle as the Queenis Grace, the Lorde Governour, and Lords of ſecreit Councell, havand reſpect to the great and exorbitant dearth riſen in this Realme, upon the wilde and tame fowles, for putting of ordour hereto, and remeid hereof: It is deviſed, ſtatute and ordained be the Queenis Grace, the Lord Governour, and Lordes of ſecreit Councell: That the wilde-meat, and tame-meat underwritten, be ſauld in all times cumming of the prices following: That is to ſay, in the firſt, the Cran, five ſhillinges: The Swan, five ſhillinges: The wild Guſe of the great bind, twa ſhillinges: The claik, quink & rute, the price of the peece, auchteene pennies. Item,

the Plover and ſmall mure fowle, price of the peece, foure pennies: The black Cock and gray-Hen, price of the peece, ſex pennies: the douſane of Powtes twelve pennies. Item, the Quhaip, ſex pennies. Item, the Cunning, ij. ſhillinges, unto the feaſt of *Faſternſ-evin*, nixt to cum, and fra thine furth, xij. pennies. Item, the Lapron, twa pennies. Item, the Woodde-Cocke, foure pennies. Item, the douſane of Lavrockes, and uthers ſmall birdes, the price of the douſane, foure pennies. Item the Snipe and quailzie, price of the peece, twa pennies: Item, the tame-guſe, xvj. pennies. Item, the Capone, twelve pennies. Item, the Hen and Pultrie, aucht pennies. Item, the chicken, foure pennies. Item, the gryſe, auchteene pennies: And for obſerving and keiping of this act, quhatſumever perſon or perſones, alſweill byar as ſeller, that breakis the ſamin, and dois in the contrair hereof: That all his gudes ſall be taken and eſcheitted to our Soveraine Ladies uſe, and their perſones puniſhed at the Lord Governours will and pleaſure.

13. Scottiſ-men *being charged to leave aſſurance with* Engliſh-men, *and diſobeyand, ſall have na action againſt trew* Scottiſ-men, *for ony wrang done to them.*

ITEM, It is deſired to bee concluded in this preſent Parliamente, quhair *Scottiſ-men* un-aſſured with *England*, raid upon *Scottiſ-men* aſſured with *England*, the time they were aſſured, and tooke their gudes and geare, quhidder gif thay aſſured perſones ſpuilzied, have juſt action and place to aske reſtitution of their gudes, and amendis for the damnages done to them or not: It is concluded, decerned and declared be the Queenis Grace, the Lord Governour, with adviſe of the three Eſtaites of Parliament, that quhair our Soveraine Ladies charges and proclamationes, or the Lord Governoures private letters, or command was direct, chargeing all and ſindrie aſſured perſones of this Realme with *England*, and that ſat under their aſſurance, to diſcharge them of the ſaide aſſurance, and leave the opinion of *England*, and to cum to the obedience of our Soveraine Ladie, the Lord Governour, and the authoritie, within ane certaine terme prefixed thereto conteined in the ſaid letters, and wald not leave the opinion foreſaid, bot aſſiſted to *England*, *Engliſh-men*, and their companie: That thay *Scottiſ-men*, aſſured in maner foreſaid, ſall have na place nor actione to perſew the perſons *Scottiſ-men*, un-aſſured, for the ſpoliation of their gudes, or ſatisfaction of ony uther damnages done to them thereafter. And quhair na letters, charges, Proclamationes, nor uthers private writinges, nor commande of the Lorde Governours Grace were direct, chargeing ſik aſſured perſones to leave the opinion of *England*, and to cum to the obeyſance of our Soveraine Ladie, the Lorde Governoure, and the authoritie, nor na ſik charges come to their Eares, that thay *Scottiſ-men* aſſured, as ſaid is, ſall have place and action to perſew the perſones un-aſſured, that ſpuilzied, for reſtitution of their gudes, and amendis for the damnage and ſkaith ſuſteined bee them, gif the ſpuilziers had na ſpeciall commande, nouther in writ nor worde of the Lorde Governoure, to ride upon ſik aſſured perſones.

14. *Ane* Scottiſ-man, *being ſpuilzied be* Scottiſ-men, *and* Engliſh-men, *hes gud action againſt the* Scottiſ-man, *albeit the* Engliſh-men *were fewar in number.*

ITEM, To the reſolution maid upon the ſecond artickle, makand mention, quhair men aſſured or un-aſſured, raid in particular pinzieones, and ſmall companies of *Engliſh-men*, the *Scottiſ-men*, being the greateſt number, and invaded the *Scottiſ-men*, un-aſſured, burnt their houſes, ſpuilzied their gudes, and herried them there-throw, quhidder gif the perſon ſpuilzied and herried, hes juſt action to perſew ſik *Scottiſ-men*, ſpuilziers, for reſtorance of their gudes againe, and ſatisfaction for the damnages done to them, or not: It is decerned and declared bee the Queenis Grace, the Lord Governour, with adviſe of the three Eſtaites of Parliament foreſaide, that all ſik perſones ſpuilzied, hurte, or damnaged, in maner foreſaid, hes juſt action and place to perſew the ſpuilziers and to deſire reſtorance of their gudes, and ſatisfaction of their damnages, as accordis of the Law.

15. *Ane aſſured* Scottiſ-man, *aſſiſtand the* Engliſh *armie may be perſewed for all the skaith done to* Scottiſ-men, *un-aſſured.*

ITEM, As to the reſolution to be tane upon the thrid artickle, beirand in effect, quhair ony *Scottiſ-men*, aſſured be *England*, and raid with the armie thereof, upon ony *Scottiſ-men*, un-aſſured, for burning of their places, ſlauchter of themſelves, their wives and bairnes, and ſpuilzied them of their gudes, or burning of their cornes, downe-caſting of their houſes, and uthers deſtructiones, quhidder gif it bee lauchfull to onie *Scottiſ-man* ſpuilzied in that ſorte with the armie of *England*, to perſew ony *Scottiſ-man*, being in companie with the armie of *England*, the time of the ſpoliation and deſtruction foreſaid, for ſpoliation of their gudes, and ſatisfaction for the damnages ſuſteined be them, or hes juſt cauſe and action to ſute therefore: It is concluded and declared be the Queenis Grace, the Lord Governour, and the three Eſtaites foreſaidis: That ſik perſones un-aſſured, burnt, herried, and deſtroyed be *Scottiſ-men* aſſured, and being in companie with the armie of *England*, and came with them, and were with them the time of the ſpoliation, burning & deſtruction foreſaid, hes juſt action and cauſe to perſew all aſſured perſones *Scottiſ-men*, that raid in maner foreſaid, for reſtitution and deliverance of their gudes ſpuilzied fra them, and ſatisfaction and amendis for the damnages and hurtes, as accordis.

16. *Anent*

16. *Anent them that ſwearis abhominable aithes.*

ITEM, Becauſe notwithſtanding the oft and frequent Preachinges, in deteſtation of the grievous and abhominable aithes ſwearing, execrationes, and blaſphematioun of the name of God, ſwearand in vaine be his precious blud, bodie, paſſion and wounds, Devill ſtick, cummer, gore, roiſt or riefe them, and ſik uther oug-ſum aithes and execrationes againſt the command of God, zit the ſamin is cum in ſik ane ungodlie uſe amangſt the people of this Realme, baith of great and ſmall Eſtaites, that dailie and hourelie may be heard amangſt them open blaſphemation of Gods name, and Majeſtie, to the greatē contemption thereof; and bringing of the ire and wrath of God upon the people: Herefore, and for eſchewing of ſik inconvenientes in times cumming: It is ſtatute and ordained, that quhat-ſumever perſon or perſones, ſwearis ſik abhominable aithes, and deteſtable execrationes, as is afore rehearſed, ſall incur the paines after following; als oft as they failzie, *reſpective*: That is to ſay, ane Prelate of Kirk, Earle or Lorde, for everie fault to be committed for the ſpace of three Monethes nixt-to-cum: That is to ſay, unto the firſt day of *May*, *excluſive*, twelve pennies: Ane Barronne or beneficed man, conſtitute in dignitie Eccleſiaſtical, foure pennies: Ane Landed man, Free-halder, Vaſſall, Fewar, Burges, and ſmall beneficed men, twa pennies: Ane craftef-man, zea-man, ane ſervand man, and all uthers ane pennie. Item, the puir folkes that hes na geare, to pay the paine foreſaide, to be put in the ſtockes or priſoned, for the ſpace of foure houres, and wemen to be weyed and conſiddered, conforme to their bloude or Eſtaite of their parties, that they ar coupled with: And this paine to be doubled upon everie committar, after the out-running of the ſaidis three Monethes, for the ſpace of uther three Monethes thereafter: That is to ſay, fra the firſt day of *Maij*, unto the firſt daye of *Auguſt*, *excluſive*, and from the firſt day of *Auguſt*, unto the firſt day of *November*, *excluſive*, the paine to bee tripled, that is to ſay, for everie pennie, three pennies: And fra the ſaide firſt day of *November*, to the firſt day of *Februar* thereafter, quhilk makis the zeir compleit, the paine to be quadruple, that is to ſaye, for everie pennie, foure pennies, effeirand to their Eſtaite. And fra the compleeting of the ſaid zeir, the firſt fault of ane Prelate, Earle or Lorde, to be foure ſhillinges, the ſecond fault, aucht ſhillinges, and the thrid fault, ſexteene ſhillinges, and for the fourth fault, to be baniſhed, or put in warde, for the ſpace of zeir and daye, at the will of the Prince, and ſik-like of all uther Eſtaites, after their qualitie foreſaide, to be puniſhed effeirandlie. And this foreſaide paine to bee applyed to the puir folkes, be them that ſall be depute collectoures thereof.

17. *Anent them that perturbis the Kirk, the time of divine ſervice.*

ITEM, It is ſtatute and ordained, againſt all perſones quhilkis contemnandlie makis perturbation in the Kirk, the time of divine ſervice, and Preaching of the worde of GOD, ſtoppand the ſamin to bee heard and ſeene be the devoute people, and will not deſiſt and ceaſe therefra, for na Spirituall monition, that the Kirk-men may uſe upon them: Therefore quhat-ſumever perſon makis perturbation or impediment in the Kirk, in maner foreſaide, ſall incurre the paines, as after followis: That is to ſay, for the firſt fault, ane Prelate, Earle or Lorde, ten pounde: ane Barronne or perſon, conſtitute in dignitie Eccleſiaſtical, five pound, ane Vaſſall, Free-halder, Burges, or ſmall beneficed man, fourtie ſhillinges, and uthers twentie ſhillinges, and puir folkes that hes na gudes, to be put in priſon for fifteene daies, to faſt on bread & water, and for the ſecond faulte, the doubling thereof, and for the thrid faulte, warding of their perſones, or baniſhing for zeir and day, and ordainis the Deane of *Gild*, Kirk-maiſters, and reulers, to gar leiſche bairnes, that perturbis the Kirk, in maner foreſaid.

18. *Anent them that knawis themſelves under proces of curſing.*

ITEM, That becauſe mony perſones wittandlie knawand themſelves under the proceſſe of curſing, and beand charged to remove fra divine ſervice, wilfullie enteris themſelves thereto, and will not remove, quhair-throw they ſtop the remanent Chriſtian people fra divine ſervice, and incurris the great curſing of the Law.

Therefore it is ſtatute and ordained, that quhaſaever beis noted and convicted to have remained in the Kirk, the time of divine ſervice, after that he have bene warned and charged to remove, beand under proces of curſing denunced upon him dewlie, outher openlie in his Paroche Kirk, or perſonally, to be puniſhed as perturbers of the Kirk of God, and to incur the paines of the foreſaid laſt acte.

19. *Anent them that maries twa wives or husbandes.*

ITEM, It is ſtatute and ordained, that quhat-ſum-ever perſon maries twa ſindrie wives, or women maries twa ſindrie husbandes, livand togidder un-divorced lauchfullie, contrair the aith and promiſe maid at the ſolemnization and contracting of the matrimonie, and ſwa ar of the Law perjured and infamous: Therefore, that the paines of perjuring be execute upon them with all rigour: That is to ſay, confiſcation of all their gudes moveable, warding of their perſones for zeir and day, and langer in-during the Queenis will, and as infamous perſons, never able to bruik office, honour, dignitie, nor benefice in time to-cum.

20. *Anent Adulterers.*

ITEM, Anent perſones that ar maried, and ar open, manifeſt, commoun and incorrigible adulterers, and will not deſiſt and ceaſe therefra, for feare of ony Spirituall juriſdiction, or Cenſures of halie Kirk, to the greate perrell of their awin ſaules: Therefore it is ſtatute and ordained, in this preſent Parliament, that all ſik incorrigibill adulterers, after that the proceſſe of halie Kirk, ſa far as the ſamin may extend to, be uſed upon them for their in-obedience and contemption, be denunced our Soveraine Ladies rebelles, and put to the horne, and all their moveable &c. And ſwa na appellation interponed fra the ſaid Cenſures of halie Kirk, to ſuſpend the horning.

21. *How meickle fraucht ſall be given to Ferriers.*

ITEM, For-ſameikle as the Queenis Grace, the Lord Governour, and the three Eſtaites of Parliamente, havand reſpect to the great and heavie oppreſſion done to the Lieges of this Realme, and ſpeciallie be Ferriers of *King-horne*, *Queenis-Ferrie*, and *Dundie*, in taking of their fraucht fra them, and that the Queenis Lieges, notwithſtanding the weichtie charges and expenſes deburſed to ſik Ferriers, ar not ſerved, as apperteinis to be done: And for remeid hereof, in reſpect of the dearth of vivers, diſpenſis with the acte maid hereupon of before for ane zeir: It is ſtatute and ordained, that na maner of perſon, awner of anie Boates, at the Ferries foreſaid, tak upon hand to tak ony fraucht fra ony of our Soveraine Ladies Lieges for their portage, bot as after followis: That is to ſay, gif ony perſon wauld have ane boate be himſelfe, at the Ferrie of *King-horne*, that he take for his fraucht and portage, ten ſhillinges: And quhair companie conveenis at the ſaid Ferrie, the horſe and man to pay for their portage, twelve pennies. And the man or woman be himſelfe, but horſe, to pay for their portage, ſex pennies. And that the Ferriers of the *Queenis-Ferrie*, and *Dundie*, gif ane man deſiris ane boate bee himſelfe, to paye for his portage, four ſhillinges. And everie ilk man and horſe, aucht pennies. And ilk man or woman be themſelfe, foure pennies, under the paine of death, and confiſcation of all their gudes, with certification to them, and they do the contrair, that they ſall be called to particular diettes and Juſtice courtes, and ſall be puniſhed therefore with all rigour, as breakers of the actes of Parliament.

22. *The paine of falſe Notars, uſers of falſed.*

ITEM, It is ſtatute and ordained be the Lord Governour, with adviſe of the three Eſtaites of Parliament, that the actes and ſtatutes maid of before, againſt falſe Notars and witneſſe, corrupters and ſeduceres of them in writ, Temporall or Spirituall courtes, to bee obſerved and keiped in all poyntes, and ratifies and apprievis the ſamin of new, with this addition: That all ſik perſones ſall be puniſhed in their perſones and gudes with all rigour: *Videlicet*, preſcription, baniſhing and diſ-membring of hande or toung, and uthers paines, provided be the diſpoſition of the commoun Law, baith Cannon, Civill, and ſtatutes of the Realme. And this acte to be extended to all maner of evidentes, actes, obligations, acquittances, or uthers writings quhat-ſumever, and the makers, feinziears, uſers, ſeducers, corrupters, and falſars thereof, alſweill as to falſe inſtrumentes.

23. *The price of Craftes-mennis wark. Of meate and drinke in tavernes.*

ITEM, For-ſa-meikle as the Lorde Governour, and the three Eſtaites of Parliamente, regairdand the exorbitant prices that everie Craftes-man within Burgh, raiſis upon our Soveraine Ladies Lieges, in all ſik thinges as perteinis to their Craft, ſwa that the prices ar doubled and tripled be mony of them, to the greate hurt of the ſaidis Lieges, quhilk is conſiddered to be of practicque be the Deakones of everie craft, and the fault thereof is alway in the Proveſt and Baillies of everie Burgh, that over-ſeis the ſaidis Deakones, Craftes-men, and correctis them not, conforme to the acte of Parliament: Therefore it is ſtatute and ordained, that all Proveſtes and Baillies of free Burrowes with all diligence, conveene the ſaidis Deakones and Craftes-men afore them, and there on everie thing perteining to Craftes-men, to ſtatute and ordaine reaſonable prices, effeirand to their craft, and that the ſamin be put in writ, and produced afore the Lordes of the articles in the nixt Parliament, to be halden the thrid day of *Aprill* nixt-to-cum, to be conſiddered be them, gif they be reaſonable, and gif ſwa be, to be authorized, and gif they be unreaſonable, to be reformed: And ſik-like, that effeirand to the prices of victualles, that the ſaidis Proveſt and Baillies cauſe the Hoſtellares to take ane reaſonable price for ane mannis dinner and ſupper, that they may hald their awin, and the Queenis lieges be not ſa grieved and hurt throw the great prices, taken far abone all cuſtome and uſe, as hes bene in this Realme afore thir dayes, and as beis ſtatute hereupon in Burgh, that the ſamin be delivered to the Schireffe of the Schire, to garre the ſaidis prices be keiped to Landwart. And gif ony of the ſaidis Deakones or Hoſtellares obeyis not the ordinance of the ſaidis Proveſt and Baillies, that they deprive them of their Offices and priviledge, and after they be deprived, gif they meddle farther there-with, to be called to underly the Law to particular diettes, afore the great Juſtice, as for contemning and breaking of the actes of Parliament, and to be puniſhed in their perſones and gudes with all rigour.

24. *Anent the examination of Notars, be the Lordes of Seſſion.*

ITEM, Becauſe the acte concerning Notars, maid be the Kingis Grace, King JAMES the Fifth, quhom GOD aſſoilzie, hes not hidder-tilles bene put to dew execution: Therefore it is thocht expedient be the Lord Governour, and the three Eſtaites of Parliament, that the ſaid acte be put to execution in all poyntes, after the forme and tenour of the ſame, betuixt this and the laſt daye of *March*, nixt to-cum, with this addition following: That is to ſay, that everie Schireffe within the boundes of his office, betuixt this and the ſaid daye, bring, or ſend all Notars, Temporal men, and the Ordinares, to bring or ſend all Spiritual Notars to the Burgh of *Edinburgh*, and there preſent them to the Lordes of Councell, to be examined be them, gif they be able, worthie, and qualified for the ſaid office of Notarie, and there to be admitted be them thereto, ſuſpendand fra the ſaide laſt day of *March* furth, of all Notars, unto the time of their admiſſion foreſaid: With certification to them, that uſis the Office of Notarie, fra the ſaid day furth, before they be admitted in maner foreſaide: That their inſtrumentes ſall have na faith, and themſelves ſall be puniſhed as falſars of the Law.

25. *Anent the ordouring of everie mannis houſe.*

ITEM, It is ſtatute and ordained, that the acte and ordinance maid before in Councell, anentis the eſchewing of dearth, and the ordouring of everie mannis houſe in his courſes and diſhes of meate, be obſerved and keiped in all poyntes, after the forme and tenour thereof, and under the paines conteined in the ſamin: Of the quhilk the tenour followis: The quhilk daye, for-ſa meikle as the Queenis Grace, the Lorde Governour, and Lordes of ſecreit Councell, havand reſpect to the great and exorbitant dearth, riſen in this Realme of victualles, and uther ſtuffe, for the ſuſtentation of mankinde, and dailie increaſſand. And underſtandand, that the occaſion thereof is the cauſe of the ſuperfluous cheere, uſed commounlie in this Realme, alſweill amangſt ſmall, as Great-men, to the great hurte of the commoun weill of the ſamin, and damnage to the bodie, quhilkis makis ane man unable to exerce all leiffull and gude warkes neceſſar. And for remeid hereof, and ſtanching of ſik dearth and exorbitant prices foreſaidis. It is deviſed and ordained, that na Arch-Biſhops, Biſhops, nor Earles, have at his meat bot aucht diſhes of meate: Nor na Abbot, Lorde, Priour, nor Deane, have at his meate bot ſex diſhes of meate: Nor na Barronne nor Free-halder, have bot foure diſhes of meate at his meſſe: Nor na Burges nor uther ſubſtantious man, Spiritual nor Temporal, ſall have at his meate, bot three diſhes, and bot ane kinde of meate in everie diſhe. And for obſerving and keiping of this acte and ordinance foreſaid: It is deviſed and ordained, that quhat-ſum-ever Arch-Biſhop, Biſhop, or Earle, beis foundin breakand the ſamin, that he ſall content and pay to the Lord Governour, and the authoritie, at everie time hee failzies, ane hundreth pound for everie failzie. And gif ony Lord, Abbot, Priour or Deane, failzies and breakis the ſaid acte, he ſall content and pay for everie failzie, ane hundreth markes, and gif onie Barronne or Free-halder failzies, he ſall pay at everie time and failzie, fourtie pound: And gif ony Burges or uther ſubſtantious man, Spiritual or Temporal failzies, hee ſall paye at everie time and failzie, twentie markes in maner foreſaide: And gif ony uther ſmall perſon or perſones, wauld preſume to breake this preſent acte and ordinance, or do in the contrair, he ſall be taken and puniſhed in his perſon and gudes, at the Lorde Governours will, for their contemption. And quhat-ſum-ever uther perſon or perſones, of quhat-ſum-ever Eſtaite, degree, or condition that ever they bee of, that failzies and breakis this ordinance, that he ſall be repute and halden, as ane man given to his voluptuouſnes, and contemnar of the authoritie, and not to the commoun weill: And howbeit, that ony man of greater Eſtaite, nor ane Burges cum in Burgh to anie Burges ludgeing, It ſall not bee leaſum to the ſaid Burges to make onie maa diſhes bot effeirand to the Eſtaite of the Maiſter awner of the ſaide ludgeing, without that the Lorde, Barronne or ſtranger make his awin proviſion and table, alwaies within the ordinance foreſaid: Providing alwaies, that this preſent acte and ordinance ſtricke not upon mariages, nor banquettes to bee maid to ſtrangers of uther Realmes, and the ſaid banquettes to be maid allanerlie be Arch-Biſhops, Biſhops, Earles, Lordes, Abbottes, Priores, Deanes, Barronnes, Proveſtes and Baillies of Burrowes. And in likewiſe providing that na *Scottiſman* make banquet to ony uther *Scottiſ-man*, bot in maner foreſaid: And for the mair ſure keiping of the ſaide acte and ordinance, ordainis that the Schireffe of the Schire and their deputes, Proveſtes, Aldermen and Baillies of Burrowes, ilk ane within his awin boundes and juriſdiction, to take inquiſition of the breakers of the ſamin, and roll their names, and deliver the ſamin to the Lord Theſaurar, to the effect that the perſones breakers and contemnars of the ſaid act, may be called to Juſtice aires or particular diettes, as the Lord Governour and Councell ſall thinke maiſt expedient, and puniſhed in manner foreſaid.

27. *Prenters ſuld prent nathing without licence.*

ITEM, For-ſa-meikle as there is diverſe Prenters in this Realme, that dailie and continually prentis buikes concerning the Faith, ballattes, ſanges, blaſphemationes, rimes, alſweill of Kirk-men, as Temporal, and uthers Tragedies, alſweill in *Latine*, as in *Engliſh* toung, not ſeene viewed and conſiddered be the Superioures, as apperteinis to the defamation and ſclander of the Lieges of this Realme, and to put ordour to ſik inconvenientes: It is deviſed, ſtatute and ordained be the Lord Governour, with adviſe of the three

Eſtaites of Parliament: That na Prenter preſume, attempt, or take upon hande to prent ony buikes, ballattes, ſanges, blaſphemationes, rimes or Tragedies, outher in *Latine* or *Engliſh* toung in ony times to-cum, unto the time the ſamin be ſeene, viewed, and examined be ſome wiſe and diſcreit perſons, depute thereto be the Ordinares quhat-ſum-ever. And thereafter ane licence had and obteined fra our Soveraine Ladie, and the Lord Governour, for imprenting of ſik buikes, under the paine of confiſcation of all the Prenters gudes, and baniſhing him of the Realme for ever.

FINIS.

THE TEXT

PARLIAMENT

OF

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the twentie day of Junij, the zeire of God, ane thouſand, five hundreth, and fiftie five zeires: Be* MARIE, *Queene Dowager, and Regent.*

28. *The Revocation maid be our Soveraine Ladie.*

THE Quhilk day, in preſence of the Queenis Grace, *Marie* Queene Dowager, and Regent of *Scotland*, and the three Eſtaites in this preſent Parliament, compeired Maiſter *Henry Lawder*, Advocate to our Soveraine Ladie, and preſented unto her Grace, and the three Eſtaites foreſaidis, our Soveraine Ladies Revocation, ſubſcrived with her Hieneſſe hand, at *Fontaine-Bleau*, of the dait, the twentie fifth day of *Aprill*, the zeir of GOD, ane thouſand, five hundreth, and fiftie five zeires, and of her Reigne the xiij. zeir, the privie Seale hunging thereat intimate, inſinuat and declared the ſame, deſirand the Queenis Grace, and the three Eſtaites abone mentioned, to cauſe the ſaid Revocation to be inſert and regiſtred in the buikes of Parliamente, and the ſamin to have the ſtrength and effect of an acte of Parliament, in all times to-cum, and they to interpone their authoritie in and to the ſamin: The quhilk deſire, the Queenis Grace, Dowager, and Regent foreſaide, and the three Eſtaites of Parliamente thoucht reaſonable, and hes ordained, and ordainis the ſaide Revocation to be inſert and Regiſtred in the ſaidis buikes of Parliament, and the ſamin to be of als great ſtrength, valour, force, and effect in all times to-cum, as ony Revocation maid be ony our Soveraine Ladies Predeceſſoures, Kings or Queenes of this Realme, in ony times by-gane, in their leſſe age, before their compleit perfite age: And thereupon hes interponed, and interponis their authoritie to the ſamin, conforme to the ſaid Revocation, Of the quhilk the tenour followis.

Wee MARIE, Be the Grace of GOD, Queene of *Scotland*, having now be the three Eſtaites of our Realme, declared the full adminiſtration and ruling thereof, to be in our awin hands, after the demiſſion maid be our richt traiſtie couſing JAMES, Duke of *Chaſtel-heraud*, Earle of *Arran*, Lord *Hammiltoun &c.* Then in our leſſe age Tutour and Governour of our Realme foreſaide, of his Office of Tutorie and Governement, conſidderand that be the priviledge of the commoun Lawe, and als that our maiſt Noble Progenitoures, Kingis of *Scotland*, of gude minde be their actes and ſtatutes maid in their Parliamentes, hes revoked, caſſed, and annulled, all thinges done be them in their minorities and les ages, in hurte and detriment of their conſcience, or Crowne, landes, rentes, poſſeſſiones, and uthers thinges quhat-ſum-ever perteining to the ſamin, quhair-intill they were damnaged, and ſkaithed be alienationes, donationes, preſentationes, venditiones, or bee ony uthers quhat-ſum-ever: THEREFORE We now being furth of our ſaid Realme, having compleit the twelfth zeir of our age, revokis all maner of infeftmentes and diſpoſitiones quhat-ſum-ever, we, or our ſaid Couſen, as our Tutour and Governour have maid, during the time that hee had the Governement of our ſaid Realme, in our leſſe age, and all uther thinges, that hes bene done in hurte and detriment of our ſaid Crowne, landes, rentes, poſſeſſiones, patronages of benefices, and offices perteining to the ſamin: And in ſpecial, we revoke, caſſis, and annullis all infeftments, donationes, alienationes, and diſpoſitiones maid bee us, with adviſe of our ſaid Tutor and Governour, or be him in our name, in our leſſe age ony maner of way in fee, few-ferme, franck-tenement, or lang tackes of ony landes, Lord-ſhips, cuſtomes, annuelles, fiſhinges, Burrow-mailles, Caſtel-wardes, or uther thinges quhat-ſum-ever, annexed to our

Annexed propertie.

Crowne

Crowne or ony part thereof, alſweill given be our ſaid umquhile father, quhom God aſſoilzie, as be us to ony perſon, or perſons, contrair the acts maid thereupon of before, to be reduced to us againe, and our Crowne, be vertew of the actes and ſtatutes, maid upon annexationes, and after the forme of the lamin.

ITEM, Wee revoke all alienationes of ony rentes, landes and heritages annexed to the principalitie, and to the Prince, Second perſon of the Realme, maid be us, in maner foreſaid. *Principalitie.*

ITEM, In likewiſe wee revoke, caſſis, and annullis, all donationes, alienationes, few-ferme, and giftes quhat-ſum-ever in life-rent, or utherwaies in our none-age, of the landes, rentes, annuelles, or uther revenues, that our ſaid umquhile Father had in his poſſeſſion the time of his deceaſe, be gift, or utherwaies: And of all offices, like as Chalmerlanries, Baillieries, and Cuſtomaries, maid for maa zeires, bot fra ane Checker, quhill the compt bee maid in the nixt Checker after following, and of tackes and aſſedationes maid for langer termes, nor five zeires. *Offices and aſſedations of the propertie.*

ITEM, In likewiſe wee revoke, caſſis and annullis, all tailzies maid fra the aires in General, to the aires maill, of ony landes within our Realme, againſt the Law and gude conſcience. *Tailzies.*

ITEM, Wee revoke all new infeftmentes of landes, given in blanch-ferme, that were halden of us of before, be ſervice of waird and reliefe. *Blench-ferme.*

ITEM, Wee revoke all Regalities, confirmationes of Regalities, and of all offices given be us in heritage, or be our Father, againſt the acts and ſtatutes, that na Regalities ſuld be given in heritage without adviſe and deliberation of the haill Parliament. *Regalities.*

ITEM, Wee revoke all maner of alienationes be infeftmentes, or ony utherwaies maid or granted of ony heretages in our none-age, that become lauchfullie in our handes, be reaſon of fore-faltour, baſtardrie, or uther richt, and life-rents given thereof, in our minoritie. *Baſtardry. Forfaltour.*

ITEM, Wee revoke all new creationes of lands in Barronnies, annexationes, and uniones of diverſe lands in fee, in prejudice of our dew ſervice aucht to us, and our maiſt Noble Progenitoures of before. *Vnions of Barronnies.*

AND Sik-lik, wee revoke all diſcharges of ſervice of ſuites of Courtes, aucht of auld to our Progenitoures foreſaid. *Suites of Courtes.*

ITEM, Wee revoke all new infeftmentes given of creation of Barronnies in landes and Lord-ſhippes annexed to our Crowne. *Vnion of the annexed property.*

ITEM, Wee revoke all giftes and confirmationes, given be us, of quhat-ſum-ever landes and heritages, be falſe ſuggeſtion, be expreeming of falſe cauſes, quhair gif they had bene expreemed ane trew cauſe, and the veritie, we had not given the ſame, and there-throw we ar greatumly and enormelie hurte. *Alienations given ſuppreſſa cauſæ veritate.*

AND Generallie, we revoke, caſſis, and annullis, all and quhat-ſum-ever thinges done be us in our leſſe age foreſaid, in detriment and harme of our ſaule and conſcience, hurting of the priviledge of our Crowne, prejudicial to the ſame, and to us in our patrimonie thereof, and all and ſindry things, that the Law and conſuetude of our Realme leavis us to revoke. And als will and declaris, that this our Revocation extend to all thinges alſweill not ſpecified, as ſpecified therein, quhilkis perteined to us and our ſaid Crowne, be deceaſe of our ſaid deareſt Father, and to be extended fra his deceaſe, in all thinges foreſaidis, to us and our behoofe, als largelie, as the Revocation maid be our ſaid maiſt Noble Father, micht be extended to, fra the deceaſe of our maiſt Noble Gud-ſchir King *James* the Fourth, to the time, daie, and dait of his ſaid revocation: And as the revocation maid in King *James* the Seconds time, micht have bene extended to, fra the deceaſe of our maiſt Noble Progenitour, King *James* the Firſt, to the making thereof: Declarand that albeit, we of our favour and benevolence, ſuffer ony perſon or perſones to uſe, poſſeid, or bruik ony priviledges, poſſeſſiones of landes, rentes and offices, or of ony thing quhat-ſum-ever falland under this our revocation: It ſall make na richt to the uſers, halders, or poſſeidars thereof, bot it ſall be leiffull to us to put our handes thereto, quhen we pleaſe, bot ony contradiction, and that bee vertew of this our Revocation, Actes, and conſtitutiones of our Realme. Proteſtand ſolemnedlie, that our abſence foorth of our ſaide Realme at this time, and the ſolemnities required in that be-halfe (gif onie bee) not being done, bee na prejudice to us, anent our fore-ſaide revocation, with the quhilkis we diſpenſe and ſupplies all faultes thereof, gif onie be, be our Queenelie power and authoritie Royal. *General revocation.* *The Kings lang patience, prejudges not his revocation.*

AND That this Revocation be intimat, inſinuat, and declared in the nixt Parliament, to be halden in our Burgh of *Edinburgh*, within our Realme, in the Moneth of *Maij* or *Junij*, nixt thereafter.

29. *Anent the ſealing and ſubſcription of reverſiones, and writes belangand thereto.*

ITEM, In likewiſe it is ſtatute and ordained, that all reverſiones to be maid in time to-cum, and all bandes and obligationes, for making, ſealing, and delivering of reverſions, be maid under the ſeale and ſubſcription of the promittar and giver thereof: And gif the partie cannot ſubſcrive, to ſubſcrive the ſame with his hand, led at the pen be ane Notar. And gif ony inſtrument, or uther kinde of writing be maid for giving of reverſiones, or bearand and conteinand reverſion: that writing or inſtrument ſall make na faith, bot gif it be inſert with conſent of the parties in judgement, in the buikes of ſome ordinar Judge: except gif it happenis within Burgh, that the time of reſignation of landes in the Baillies handes, the Clerk of the Burgh, Notar to the ſaiſing giving be the ſaid reſignation, be required then inſtantlie of inſtrument in his handes of the reverſion, before the ſamin witneſſe required in the inſtrument of ſaiſing, and gives his inſtrument thereupon: Quhilk ſall make faith as ſufficient reverſion. And als, that all diſcharges of reverſiones in all times to-cum, be ſealed

and

and ſubſcrived in maner abone written: And gif the partie cannot ſubſcrive, to ſubſcrive the ſamin with his hande, at the pen led, be ane authentick Notar, and ſealed with his ſeale, as is abone written.

30. *Anent warning fra redeemed landes, and the paine for none-removeing.*

ITEM, In likewiſe it is ſtatute and ordained, that gif ony perſones havand richt be reverſion to redeeme lands, or uther poſſeſſions, makis, or cauſis make lauchfull warning to all parties, fra quhom the ſaids lands or uther poſſeſſiones aucht and ſulde be redeemed, to compeir at ane certaine day, in the place named in the ſaid reverſion, for receiving of the ſummes of money and tackes, gif ony be ſpecified therein, and at the day warned, fulfilling all thinges, as accordis, conforme to the reverſion for his parte, gif the parties warned, as ſaid is, compeiris, and refuſis to graunt the ſaidis landes or poſſeſſiones lauchfullie redeemed, or abſentis themſelves, gif there be na tackes to run, after the redemption of the landes or poſſeſſiones, or the tackes being run out, the haver of the richt to the reverſion, cauſand lauchfull warning to be maid to the parties foreſaidis, and all uthers occupyars, before ony *Whit-ſunday* terme, after the redemption, to flit and remove fra the ſaidis landes and poſſeſſiones, the redemption in maner abone ſpecified, being foundin lauchfull, and the landes be vertew thereof, decerned lauchfullie redeemed: In that caſe the parties quha ſuld have granted the redemption of the ſaidis landes refuſed and abſented, ſall be called as violent poſſeſſoures thereof, fra the terme of *Whit-ſunday*, before the quhilk lauchfull warning was maid to remoove, as ſaid is, ſik-like as the lands and poſſeſſiones had bene granted lauchfullie redeemed the day of the redemption.

31. *Ane man-ſlayer may be relaxed upon caution, to ane certane day: And being thereafter denunced Rebell, the daies of Relaxation, ar eſteemed dayes of rebellion.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones ſlayis ane uther, the perſon being charged to finde ſoverty within ſex daies, and findis not the ſamin, or ſovertie being foundin, compeiris not at the day, and ſwa he be put to the horne, and ony time thereafter within zeir and day, he offerris of new to underly the Law, and to finde ſovertie thereupon, the paines ſall be doubled, ſovertie being foundin, and hee relaxed. And gif he compeiris not at that day, and of new beis denunced rebell, his relaxation maid and given, be vertue of the laſt ſovertie foundin, ſall na-waies helpe him anent the tinſell of the life-rent of his landes, bot he ſall tine the ſamin, as he had not beene relaxed fra the firſt horning: And this to be extended to all relaxationes maid within zeir and daye, after the firſt horning, and to airt and pairt of the ſlaughter, with the paines ay doubled: And attour, all alienationes, contracts, obligations, and uther thinges quhatſum-ever, that ſall be done be him, to be null and of nane availe in the ſelfe, without ony proceſſe of reduction, during the time of his relaxation upon his ſoverties, foundin after the firſt horning: Swa that hee compeir not at the day, and enter to the quhilk he findis ſoverties: ſik-like as and he had annalied, contracted, obliſhed, or done uther thinges, beand Rebell, and at the horne. And this act to be extended in the favoures of uthers ſuperioures, alſweill as unto the Queenis Grace. And gif it happenis ony perſon or perſones, committers of ſlaughters, for none-finding of ſoverties, or ſovertie being foundin for none-compeirance, beis denunced Rebelles, and put to the horne, and thereafter paſſis to Girth, and offers to finde ſovertie to abide the Lawe, for the fore-thocht-fellony: In that caſe ſovertie being foundin, and they compeirand at the day, and acquite of the fore-thocht-fellony, to be reſtored againe to the Girth, and the act foreſaide to have na place againſt them, bot upon the ſecond horning.

32. *Anent ſummoning of perſones paſſand foorth of the Realme.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones beis ſummound and warned lauchfullie, aucht dayes before their departing foorth of the Realme, and paſſis foorth of the ſamin thereafter: *Niſi Reipublicæ cauſa*, the partie perſewar ſall have proceſſe upon his firſt ſummounding bee continuationes, in ſik-like maner, as and his partie had not paſt out of the Realme, be warninges on fifteene dayes, langer or ſchorter, as the perſewer ſall deſire, makand warning at the dwelling place of the defendar, gif he ony hes: And failzieing, that he have na dwelling place, nor hes not conſtitute Procuratoures, to bee warned at the mercat croce of the head Burgh of the Schire, quhair he had maiſt reſorte, before his departing. And this act to have place in civil actiones allanerlie, bot not againſt witneſſe.

33. *The ordour for ſummoning of parties to compeir before the Juſtice, or uthers Judges.*

ITEM, It is ſtatute and ordained, that ony perſon ſummound to compeare before the Juſtice, his deputes, or uthers Judges within this Realme, havand power of Juſticiarie in criminal cauſes: The copie of the ſaidis letters or precept, quhairby hee is ſummound, ſall be delivered to him, gif he can be perſonallie apprehended, and failzieing thereof, ſall be delivered to his wife or ſervands, or affixed upon the zet of his dwelling place, gif he ony hes, and thereafter open proclamation being maid at the head Burgh of the Schire, ane uther copie to be affixed upon the mercat croce. Providing alwaies, that gif there be maa perſons nor twa conteined in the letter, being all called upon ane deede and crime: In that caſe, twa copies to be delivered to twa of the principal named in the ſaidis letters, or then given to their wives or ſervandes, or affixed upon their

zettes

zettes or dwelling places, gif they ony have, and ane copie left and affixed upon the mercat croce, quhair the publication is maid, to be ſufficient tothe haill perſones, quhat-ſum-ever they bee, conteined in the ſaidis letters.

34. *Anent giving of ſaiſinges upon precepts of the Chancellarie.*

ITEM, For-ſa-meikle, as in umquhile our Soveraine Lordis time, that laſt deceaſed, It was ſtatute and ordained, that all ſaiſinges quhilkis paſſis upon precepts of the Chancellarie, to be given be the Schireffe Clerke, or his deputes: Sen the quhilk acte, there is be occaſion of weir and great troubles, diverſe ſaiſinges given be uthers Notars, upon precepts paſt foorth of the ſaid Chancellarie: Therefore the three Eſtaites of Parliamente, diſpenſis with that fault of all ſaiſinges, given be uthers Notars, ſen the making of the foreſaid acte, and ordainis the ſaid acte to be publiſhed, and have effect in time cumming, with this addition: That upon all precepts paſt foorth of the Chancellarie, the Schireffe, Steward or Baillie, alſweill the Regalitie, as Royaltie, or their deputes, ſall be required to paſſe to give ſaiſing with the Schireffe Clerke and his Deputes: And gif the Steward, Baillie, or their deputes refuſis to paſſe and give ſaiſing, then the partie haver of that precept, to put ony uther Baillie to give ſaiſing, as he ſall think maiſt expedient.

35. *Anent the ordour for giving of curatoures to Minors.*

ITEM, Becauſe it is underſtandin, that be the giving of curatoures to Minores bee ſindrie Judges, there hes bene great skaith ſuſteined be the ſaidis Minores: Therefore it is ſtatute and ordained, that in all times cumming, quhen onie Minor paſſis the zeires of his Tutorie, and deſiris Curatoures: That he cum before his Judge Ordinar, and deſire of him ane ſummounds or edict, to warne twa, at the leaſt, of the maiſt honeſt and famous of the Minor's kin, and all uthers havand intereſſe, quhilk ſall be warned lauchfullie: That is to ſay, the ſpecial perſones perſonallie, or at their dwelling places, givand ane copie to their wives or ſervandes, or affixand it on their zettes or dures, and uthers havand intereſſe generallie, at the mercat croce of the head Burgh of the Schire, quhair the ſaidis Minores hes their landes or gudes, to compeir at ane certaine daye, upon nine dayes warning at the leaſt, to heare and ſee the Curatoures deſired be the ſaid Minor, to be given to him unto his perfite age of twentie ane zeires, and caution foundin, *de fideli adminiſtratione*, quhilkis beand given in maner foreſaide, they ſall not be revoked nor diſharged, nor uthers choſen to the Minor, unto the time they be called before the Lordes of Councell, or uthers Judges Ordinar, at the will of the bairne, to heare and ſee them diſcharged, and revoked for reaſonable cauſes: Quhilkis being foundin of veritie, they then to be diſcharged, and uthers curatoures given in their places be the ordour foreſaid, with caution, and na uther-wiſe.

36. *Anent eating of fleſh in* Lentron, *and uthers daies forbidden.*

ITEM, For-ſa-meikle as there is diverſe inſolent and evil given perſones, not regardand the Lawe of GOD, and conſtitution of halie Kirk, bot in high contemption thereof, and to the great ſclander of the Chriſtian people, eatis fleſh in *Lentron* and uthers daies forbidden be the Kirk, and Lawes thereof.

Therefore, for the repreſſing and puniſhment of the quhilk: It is ſtatute and ordained, that na perſon nor perſones contemnandlie and willfullie without diſpenſation or requiring of licence of their Ordinar, their Parſon, Vicar, or Curate, eate fleſh plainely or privatelie in the ſaidis daies and times forbidden, under the paine of confiſcation of all their gudes moveable, to be applyed to our Soveraine Ladies uſe, and gif the eaters hes na gudes, their perſones to be put in priſon, thereto remaine zeir and day, and further induring the Queenis Grace will, but prejudice of the Spiritual punition, conforme to the commoun Lawe.

37. *Of reverſiones conteinand tailzied gold and ſilver.*

ITEM, Becauſe there is diverſe and ſindrie reverſiones maid and given for redemption and out-quitting of landes, beirand and conteinand gold and ſilver of certaine ſpecial valour and price: And the ſaid gold and ſilver is not now to be gotten, quhair-throw the havers of ſik reverſiones hes bene oft-times differred fra redemption of their landes: Therefore it is deviſed, ſtatute and ordained, anent all reverſiones, beirand and conteinand gold and ſilver, or ather of them, of certaine ſpecial valour and price or cuinzie, that gif ſik gold and ſilver cannot be had nor gotten within the Realme, the havers of thay reverſiones may redeeme the landes ſpecified therein, be vertew of their ſaidis reverſions givand gold and ſilver, havand courſe for the time, beand of the ſamin valour, weicht and fines, as the gold and ſilver ſpecified in the ſaidis reverſiones, conforme to the commoun Lawe: And this act to be extended to all and quhat-ſum-ever reverſiones by-gane and to-cum.

38. *The procuratorie and inſtrument of reſignation ſuld be ſealed and ſubſcrived.*

ITEM, It is ſtatute and ordained, that all reſignationes to be maid be vaſſalles in time to-cum, of their properties in the Superiours hands, *ad perpetuam remanentiam*, beand maid be procuratorie, the ſaid procuratorie ſall be ſealed and ſubſcrived be the vaſſalles handes: And gif hee cannot write, to be ſubſcrived with his

his hande at the pen, led be ane authentick Notar, and ſealed, as ſaid is. And gif the ſaid reſignation beis maid be the vaſſal perſonallie, *ad perpetuam remanentiam*, that the inſtrument thereof bee ſealed with the ſeale of the reſignar, and ſubſcrived with his hand: And gif he cannot write, to be ſubſcrived with his hand at the pen, led be ane Notar in maner foreſaid, and na reſignation *ad perpetuam remanentiam*, to have faith in time to cum, utherwaies then is abone ſpecified.

39. *Anent the warning of tennentes.*

ITEM, It is ſtatute and ordained, that in all time cumming, the warning of all tennentes and uthers, to flit and remove fra lands, milnes, fiſhinges and poſſeſſiones quhat-ſum-ever, ſall be uſed in maner following: That is to ſay, lauchfull warning being maid ony time within the zeir, fourtie dayes before the feaſt of *Whit-ſunday*, outher perſonally or at their dwelling places, and at the ground of the landes, and ane copie delivered to the wife or ſervandes, and failzieing thereof, to be affixed upon the zettes or dures of the dwelling places of the ſaidis landes, gif onie be, and thereafter the ſamin precept of warning to bee red in the Paroch Kirk, quhair the landes lyis, upon ane Sabboth daye before noone, the time of Preaching or Prayers: And ane copie left and affixed upon the maiſt patent dure of the Kirk, fourtie dayes before the terme, and na furder laying foorth of ſtreſſes, and remooveing upon *Wedneſday*, to be uſed in time to-cum. And gif the partie warned, in maner foreſaid, removis not at the terme, in that caſe, the warner ſall incontinent, or ſa ſoone as pleaſis him, cum to the Lordes of Councell, or to the Schireffe of the Schire, or uthers Judges Ordinares, havand juriſdiction, ſchawand his precept of warning, ordourlie execute and indorſate, and ſall have letters or precept to charge the parties warned and poſſeſſoures of that ground, to compeir before the ſaidis Lordes, Schireffes or their deputes, or uthers Judges Ordinares foreſaidis, havand Juriſdiction, upon ſex dayes warning, or langer, at the will and deſire of the perſewar, to heare and ſee them decerned to remoove, deſiſt and ceaſe, conforme to the precept of warning and execution thereof, or elſe to ſchaw ane reaſonable cauſe, quhy they ſuld not do the ſamin, with certification to them and they failzie, that letters ſall be direct *ſimpliciter* upon them in the ſaid mater: At the quhilk day, gif they compeir not, the Lordes, Schireffes, or uther Judges Ordinar havand juriſdiction, ſall decerne them to remove, deſiſt and ceaſe fra the landes: And gif they compeir and inſtantlie ſchawis ſufficient title to bruik the landes: In that caſe, the ſamin Judge to proceede and do Juſtice, as accordis of the Lawe: And gif the partie compeiris and ſchawis na thing, bot makis alleageance, and offers him to improove the indorſation: In that caſe he ſall not be heard in judgement, bot gif he finde ſufficient caution to the warner then inſtantlie, that gif his allegeance being foundin relevant, be not ſufficientlie verified and prooven be him, that the profites, damnage, and intereſt, quhilkis the ſaid warner or ony uthers havand intereſt, hes ſuſteined, or ſall happen to ſuſteine, be the delay of the foreſaide alleageance, be refounded to him: And to the effect that this ordour may have ſufficient proceſſe in all times to-cum; It is deviſed, ſtatute and ordained, that all Schireffes, and uthers Judges Ordinar, havand juriſdiction, as ſaid is, be their ſelves, or their ſufficient deputes, bee reddie to ſit be ſenſed courtes, all the lauchfull fifteene dayes after immediatlie the feaſt of *Trinitie* Sunday, for doing of Juſtice in the ſaidis cauſes, in maner abone ſpecified: And gif the Schireffes or Judges Ordinares, havand juriſdiction in maner foreſaid, and their deputes failzies, to be reddie in granting of precepts, and doing of Juſtice for obſerving of this ordour: In that caſe, they ſall pay to the partie their haill damnage, intereſſe and expenſes, but prejudice of the action, againſt the violent occupyars and poſſeſſoures foreſaidis.

Advocation of cauſes. AND Als, that na Advocation of cauſes be taken be the Lords fra the Judge Ordinar, except it be for deadlie feede, or the Schireffe principal, or the Judge Ordinar be partie, or the cauſes of the Lords of Councell, and their Advocates, Scribes and members.

40. *Anent the having of talloun, victualles and fleſh furth of this Realme.*

ITEM, Becauſe ane great part of the lieges of this Realme, and uthers ſtrangers, hes thir diverſe zeires by-gane, caried furth of the ſamin victual and fleſh, quhair-throw greate dearth dailie increaſis: Therefore it is ſtatute and ordained now, that nane of our Soveraine Ladies Lieges nor ſtrangers in time cumming, carrie onie victualles, talloun or fleſh foorth of this Realme, to uther partes, except ſa-meikle as ſall be their neceſſar victualling for their voyage, under the paine of eſcheitting of the ſaide victual or fleſhe, to our Soveraine Ladies uſe, togidder with the reſt of all their gudes moveable, to bee applyed and in-brocht to our Soveraine Ladies uſe, as eſcheitte: Providing alwayes, that it ſall be leiffull to the inhabitantes of the Burrowes of *Aire*, *Irving*, *Glaſgow*, *Dumbertane*, and uthers our Soveraine Ladies Lieges, dwelling at the Weſt Seas, to have baken bread, browen aile, and *Aqua-vitæ* to the Iles, to bartour with uther Merchandice: And this acte to be extended to the Maiſters and skippers of ſik veſchelles, as receivis ſik victualles, fleſh and talloun, as to the awners of the ſaidis gudes.

41. *In criminal cauſes the perſewer ſall have foure friendes, and the defender ſex allanerlie.*

ITEM, It is ſtatute and ordained, that gif ony perſon or perſones being called to underlie the Law before the Juſtice, his deputes, or uther havand power to ſit in criminal actiones, compeirand at the day, they ar

ar called, quhat number that ever they bee of, being all called on ane crime: They ſall have allanerlie with them at the barre, ſex of their maiſt honeſt, wiſe, ſubſtantious friendes, able to give Councell with their Advocattes to defend: And the partie perſewer of that crime, to have with them foure of their friendes allanerlie: Swa that be multitude of friends cummand to the barre, the getting of ane aſſiſe ſall not be ſtopped: And the breakers of this act, to be puniſhed in this maner: That is to ſay, the Juſtice, or uther Judges foreſaidis, to charge the breakers to enter their perſones in waird, under the paine of rebellion, and putting of them to the horne, and gif they diſobey, to put them to the horne: And gif they obey and enters in warde, there to remaine during the Queenis Grace will.

42. *Anentis nullities.*

ITEM, It is ſtatute and ordained, that all nullities be received and have proceſſe, be way of exceptiones or replyis, and all titles, contractes, infeftmentes, or uther thinges quhat-ſum-ever, that ar null of the Lawe, to be declared in time cumming null, and of nane availe, be exception or reply in that ſame inſtance, they ar produced: Providing alwayes, that the partie againſt quhom the ſaid exceptiones or reply of nullitie is proponed, have ſik-like day to call his warrand before the anſwering thereto, as he micht or ſuld have had, in-caſe he had bene called be way of action, to have heard his title, contract, infeftment, or uther thing produced be him, declared null of the Law.

43. *Anentis leagues and bandes.*

ITEM, Becauſe it is thocht againſt all Law and obedience of ſubjects toward their Princeſſe, the making of particular leagues, outher in Burgh or to Lande, and giving and taking of bandes of man-rent, and maintenance *reſpective:* Therefore it is ſtatute and ordained, that all leagues maid in times by-gane be null, and of nane availe: And all bandes of man-rent and maintenance in likewiſe, bee null, and off nane availe, except heretable bandes given of before, or given for aſſithment of ſlauchters in time by-gane: And diſchargis all making of leagues or bands in time to-cum, and that the receivers and givers thereof in times by-gane, be free either of uther in time cumming, and of onie profite be life-rent of landes, tackes, teindes, Baillieries, or zeirlie payment, granted or given for the ſaidis bandes of man-rent, to returne to the givers, as the ſamin had never bene givend: For the declairing hereof, the bruikers of the ſaidis life-rentes of landes, tackes, teindes, Baillieries, or zeirlie profite for bandes of man-rent, ſall anſwere to the giver thereof, for the ſaid band, upon xxj. dayes warning, but diet or table, before the Lordes of Councell, to heare and ſee the ſaidis life-rent of landes, tackes, teindes, Bailleries, or zeirlie profite given for the ſaidis bandes, be decerned to returne againe to him be this act. Quhilkis being declared be the ſaidis Lordes, to returne to the givers: They ſall make their lauchfull warning fourtie dayes before the feaſt of *Whit-ſunday* nixt thereafter, and intromet with their awin, as accordis: And quhat-ſum-ever perſon or perſons that makis leagues, or givis or takis band of man-rent, and maintenance *reſpective* in ony time cumming, they ſall be puniſhed be putting of their perſones in waird, there to remaine during the Queenis Grace will.

44. *Notars ſuld be examined and admitted be the Lordes of Seſſion, and their protocolles ſuld be marked.*

ITEM, The Queenis Grace Dowager, and Regent of this Realme, and the three Eſtaites of Parliament of the ſamin, conſiddering the great and mony falſettes daylie done within this Realme be Notars, and that our Soveraine Lord, King *James* the Fifth, and in likewiſe our Soveraine Ladie, in her Parliament halden at *Edinburgh*, the firſt daye of Februar, the zeir of God, ane thouſand, five hundreth, fiftie ane zeires; maid actes for ordouring of Notars, and puniſhment of falſars, quhilkis as zit hes tane na dew and effectual execution: Therefore it is ſtatute and ordained, that all Notars within this Realme, baith Spiritual and Temporal, be cauſed to cum be their Ordinares, Schireffes, Stewards and Baillies *reſpective*, to the Burgh of *Edinburgh*, there to compeir perſonallie before the Lordes of Councell, or that the ſaidis Lordes direct their letters, requiring and chargeing all Notars within this Realme, to compeir before them, as ſaide is, bringing with them their creationes and haill protocolles, betuixt this and the Feaſt of *Whit-ſunday*, nixt to-cum, at ſik dayes as ſall be appoynted and aſſigned be the ſaidis Lordes, to be examined, and their creationes viſied be them, their protocolles produced to be marked be the ſaidis Lordes, and the leaſes numbred, and the blancks marked, and the ſaid protocol buiks not to be ſeene nor red, bot to be marked, in preſence of the ſaid Notar, and delivered againe to him but ony inſpection: And as they be foundin qualified and admitted be the ſaidis Lordes of Councell, to uſe the office of Notarie thereafter: And that na Notar, be quhat-ſum-ever power he be creat, uſe the office of Notarie within this Realme in time cumming, bot gif he firſt preſent himſelfe to the ſaidis Lordes, ſchawand his creation, and be admitted be them, as qualified thereto: And that na Notars that ſall happen to be diſcharged be the ſaidis Lordes, or not admitted be them hereafter, uſe the office of Notarie, under the paine after ſpecified. And attour, it is ordained, that all Notars to bee admitted, as ſaide is, givand inſtrumentes, and requirand witneſſe thereto, they ſall require the ſaidis witneſſe quhair they dwell, or take ſome uther evident taikin of them, and inſert the ſamin in their ſaidis inſtrumentes, that the witneſſe may bee knawin, being preſent at that

time. Furder, gif onie Notars beis convict of falsed, and not admitted be the Lordes, in maner foresaid, and use the office of Notarie, they sall be punished as followis: That is to saye, their haill moveable gudes to be escheit, and applyed to our Soveraine Ladies use, and thay to want their richt hande, and to be banished the Realme for ever: And further, they sall be punished to the tinsell of their life *inclusive*, as the qualitie of the cause requiris, bee sight and discretion of the Judge: And the causers of thay falsettes to be done to receive the samin punishment in their persones and gudes. And becawse in the acte maid be our Soveraine Ladie, in her Parliament foresaid, all Notars were suspended fra the last day of March thereafter, unto the time of their admission, be the Lordes foresaidis, it being consiidered, that the said acte tooke not as zit dew execution: Therefore the Queenis Grace Regent, with the advise of the three Estaites, dispensis and supplies ony fault be that part of the said act, in all instrumentes given sensine, and all instrumentes to be given unto the feast of *Whit-sunday* nixt to-cum foresaid.

45. *Wooll, and uther staple gudes customable, suld not be caryed into* England.

ITEM, It is statute and ordained, that na person nor persons, send nor cary wooll, skin, hides, or uther staple gudes customable, furth of this Realme be land, into the Realme of *England*, under the paine of escheitting of the samin, to be in-brocht to our Soveraine Ladies use. And als the breakers of this acte, to be punished in their persones, at her Grace's will, and gif thay gudes caryed, cannot be apprehended, the away taker and haver thereof furth of the Realme, as said is, sall pay als meikle as the valour of thay gudes caryed, to our Soveraine Ladie, hee being convict of the crime, and to be punished in maner abone written.

46. *Anentis the giving of saising upon precepts not past foorth of the Chancellarie.*

ITEM, Anent the giving of saisinges upon precepts, that passis not foorth of the Chancellarie, to quhatsum-ever person or persones: IT IS Statute and ordained, that the takers of the saising, either aire, vassal or sub-vassal, within zeir and day present his saising to the Schireffe Clerke of the Schire, quhair the landes lyis, he to insert the samin in his Court buikes, at the least the day and Moneth of the giving of the said saising, the name of the landes conteined in the samin: The name of the Notar and witnesse conteined therein-till: And that the said Clerk bring with him in everie-ilk Checker the said court buiks, and give the double in that pairt thereof, subscrived with his hande and signe manual, to remaine in the register, togidder with the double of his awin protocoll, conforme to the act maid be King *James* the Fifth, that all persons havand interesse, may have recourse thereto: Providing alwayes that the Clerke take na mair for the inserting of the said instrument in his court buik, bot twa shillinges for his laboures.

47. *Anent punishment of false witnesse.*

ITEM, It is statute and ordained, quhair ony witnesse deponis falselie, or ony manner of persone or persones inducis them to beare false witnesse, that all sik persones in times cumming, be punished be pearsing of their tounges, and escheiting of all their gudes to our Soveraine Ladies use, and declared never to be able to bruik honour, office, or dignitie fra thine foorth, and furder punishment to bee maid in their persones, at the sight and discretion of the Lordes, according to the qualitie of the fault.

48. *Anent the Woodde of* Falk-land.

ITEM, For-sa-meikle as be our Soveraine Ladies letters, direct to the Schireffe of *Fife* and his depures, for taking of cognition, gif the woodde of *Falk-land* was auld, failzied and decayed in the growth thereof, and able to faill alluterlie: IT Was foundin be ane assise, that the said woodde of *Falk-land* for the maist parte thereof was auld, failzied, and decayed, and meete to be cut downe for the commoun weill of the Realme, and to be parked, haned and keiped of new, for policie thereof: Therefore it is statute and ordained bee the Queenis Grace, and the three Estaites foresaidis, that the said Woodde of *Falk-land* be cutted, and of new parked againe, keiped and haned for rising of zoung growth thereof, to the great policie and weill of the samin.

49. *Anent the liberties and priviledges of Burrowes.*

ITEM, The Queenis Grace Dowager and Regent of this Realme, with advise of the haill three Estaites of Parliament, understanding clearelie, that the Estaite of Burgesses thir mony zeires by-gane, be great trouble of weires hes susteined infinite skaith baith in their landes and gudes, and als that their priviledges granted to them, be our Soveraine Ladies maist Noble Progenitoures, and actes of Parliament maid thereupon, hes not bene observed nor keiped to them, as accordis: Therefore the Queenis Grace Regent, with advise of the three Estaites foresaidis, hes ratified and approved, and ratifies and approvis all priviledges and actes of Parliament, granted and maid in favoures of Burrowes, Burgesses and Merchandes: And hes statute and ordained, that letters be direct be the Lordes of Councell, at the instances of all Burrowes, upon their priviledges and actes of Parliament maid thereupon in all times to-cum,

to-cum, for putting of the ſamin to dew execution with all rigoure, againſt them, that dois or cummis in the contrair of their ſaidis priviledges and actes foreſaidis, without calling of ony partie.

51. *Anent the ſlaying of wilde-beaſtes, wilde-fowles, halking and hunting.*

ITEM, For-ſa-meikle, as in umquhile our Soveraine Ladies maiſt Noble Progenitoures times, ſpecialie King *James* the Firſt, the Second, and the Thrid, and als our Soveraine Ladies maiſt Nobill Father King *James* the Fifth, and now in hir Graces awin time, divers acts of Parliament hes bene maid, for ſtanching and repreſſing of the ſlaying of wilde-fowles, and wilde-beaſtes, and ſchutting at them with culveringes, halſe-hag, and piſtolette: Quhilkis acts the three Eſtaites of Parliament hes ordained to be publiſhed and put to execution with all rigour in times cumming, with this addition: That na man take upon hand to ryde or gang in their nichtbouris cornes, in halking or hunting, fra the Feaſt of *Paſche*, unto the time that the ſamin be ſchorne. And that na man ryde nor gang upon quheate na time of the zeir: And that na Pertrick be taken unto the feaſt of *Michael-mes:* and that na perſon range uther mennis Wooddes, Parkes, haninges within dikes or broomes, without licence of the awner of the grounde, under the paine of refoundement of the damnage and skaith to the patties, upon quhais Cornes they gang or rides, or quhais Wooddes, Parkes, haninges within dikes or broomes, they ſall happen to range. And ten poundes for the firſt fault to OUR SOVERAINE LADIE, twentie poundes, the nixt: and the thrid fault, eſcheitting of their guds moveable: And all uther paines anentis the poyntes conteined in our Soveraine Ladies actes, and her maiſt Noble Progenitoures maid of before, to be execute with all rigour, conforme to the ſamin.

52. *Anent the diſchargeing of Deakones, and chuſing of viſitoures.*

ITEM, Becauſe it hes bene clearelie underſtandin to the Queenis Grace Regent, and the three Eſtaites, that the chuſing of Deacones and men of craft within Burgh, hes bene richt dangerous, and as they have uſed themſelves in times by-gane, hes cauſed great trouble in Burrowes, commotion, and riſing of the Queenis Lieges in diverſe partes, and bee making of ligges and bandes amangſt themſelves, and betuixt Burgh and Burgh, quhilk deſervis great puniſhment.

THEREFORE The Queenis Grace Regent, with adviſe of the three Eſtaites foreſaidis, hes ſtatute and ordained, that there bee na Deakones choſen in times cumming within Burgh, bot the Proveſt, Baillies, and Councell of the Burgh to chuſe the maiſt honeſt man of craft, of gude conſcience, ane of everie craft, to viſie their craft, that they labour ſufficientlie, and that the ſamin bee ſufficient ſtuffe and warke: And thir perſones to be called viſitoures of their craft, and to be elected and choſen zeirlie at *Michael-mes*, be the Proveſt, Baillies, and Councell of Burgh: And that they thereafter give their aith in Judgement, to viſie lealelie and trewlie their ſaide craft, without ony power to mak gaddering or aſſembling of them, to onie private convention, or making of ony actes or ſtatutes, bot all Craftes-men in times cumming, to be under the Proveſt, Baillies, and Councell. And thir viſitoures choſen, ſworne, and admitted to have voiting in chuſing of Officiares and uther things, as the Deakones voiting of before: And that na Craftes-man bruike Office within Burgh in times cumming: Except twa of them maiſt honeſt and famous to be choſen zeirlie upon the Councell: And they twa to be ane parte of the Auditoures, zeirlie to the compt of the commoun gudes, according to the actes of Parliament, maid thereupon of before. And quhaſaever cummis in the contrair of this acte, to be puniſhed be warding of their perſones, be the ſpace of ane zeir, and tinſell of their Freedome within Burgh, and never to be received thereafter, as freemen, unto the time they obteine the favour and benevolence of the Proveſt, Baillies, and Councell, quhair the fault is committed, and the thrid part of their gudes to be eſcheitted and applyed to our Soveraine Ladies uſe, for their contemption.

53. *Anentis the commoun paſſage in Burrowes.*

ITEM, It is ſtatute and ordained be the Queenis Grace Dowager, and Regent, with the adviſe of the three Eſtaites of Parliament, that all commoun Hie-gates, that free Burrowes hes bene in uſe of precedant, outher for paſſage fra their Burgh, or cumming thereto, and in ſpeciall, all commoun Hie-gates, fra drie Burrowes, to the portes and Havens nixt adjacent, or proceedant to them, be obſerved and keiped, and that nane make them impediment, or ſtop there-intill: And gif onie dois, to be called and accuſed for oppreſſion, and puniſhed therefore, according to the lawes.

54. *Anent Burrowes of the Weſt Cuntrie.*

ITEM, The haill Burrowes of the Weſt Cuntrie, ſik as *Irwin*, *Aire*, *Dumbertane*, *Glaſgow*, and uther Burrowes at the Weſt partes, hes zeirlie in times by-gane reſorted to the fiſhing of *Loch-Fine*, and utheris *Loches* in the North Iles, for making of Herring, and utheris Fiſches, and after the compleeting of their buſineſſe at their pleaſure, parted freelie, but payment of ony maner of exaction: Except the payment of the fiſhers allanerlie: Not-theleſſe certaine Cuntrie-men adjacent and dwelland beſide *Loch-Fine*,

hes raiſed ane great cuſtome of everie laſt of maid herring, that ar tane in the ſaide *Loch*, of als great valour as the Queenis Grace cuſtome: Suppoſe the ſaidis Burrowes bring the ſaide herring, for furniſhing of their awin houſes, and the cuntrie: Quhilk cuſtome was never payed of before: Quhairthrow the ſaidis free Burrowes ar heavielie hurte: And for remeid hereof: It is deviſed, ſtatute and ordained, that all ſik cuſtomes and exactiones be diſcharged and not raiſed, nor up-lifted fra the perſones foreſaidis of ony herring or fiſhes taken be them in the *Loches* foreſaidis, for furniſhing of their houſes, bringing of the ſamin within this Realme allanerlie, under the paines to be called as oppreſſoures, and puniſhed therefore, conforme to the Lawes of this Realme.

55. *Anentis horning upon Kirk-men for taxt.*

ITEM, For-ſameikle, as in time by-gane, the Kirk-men and Spirituall Eſtaite of this Realme, hes bene required to make payment of their parte of the taxt, granted be the Eſtaites of this Realme, to OUR SOVERAINE LADIES Predeceſſoures, and her Hieneſſe in her time, for the furth-ſetting of the commoun weill of this Realme, under the paine of rebellion, and putting of them to the horne, and for none-payment thereof, ſome of them was denunced Rebelles and put to the Horne: Nevertheleſſe the Queenis Grace, for mainteinance of the libertie of halie Kirk, and priviledges of Spirituall Eſtaite, with adviſe of the three Eſtaites of Parliament, hes ſtatute and ordained: That na proceſſe of horning paſſe upon ony Kirk-men for none-payment of their taxtes, to bee graunted in times cumming: Providing alwaies, that the Lords of the Spiritualitie, provide and finde ſome uther ſure and reaſonable maner, how the ſamin ſall be in-brocht to our Soveraine Ladie, and her Grace payed thereof.

56. *Of the fineſſe of Gold-ſmithes warke, and the marke thereof.*

ITEM, For-ſameikle as there is great fraude and hurte done unto the Lieges of this Realme, be Gold-ſmithes, that makis ſilver and golde of na certaine fineſſe, bot at their pleaſure: Quhair-throw there is ſome ſilver warke maid and ſet foorth of ſik baſeneſſe of allay, *videlicet*, of ſex and ſeven pennie fine, expreſſe againſt the honour and publick weill of the Realme: THEREFORE It is ſtatute and ordained be the Queenis Grace, with adviſe of the three Eſtaites of Parliament: That na Gold-ſmith make in warke, nor ſet foorth, outher of his awin ſilver, or uther mennis ſilver, under the juſt finance of elleven pennie fine, under the paine of death, and confiſcation of all their gudes moveable. And that everie Gold-ſmith marke the ſilver warke that hee makis with his awin marke, and with the townis marke. And gif hee makis onie ſilver abone the ſaid fines, that he with his marke make ane prent of the juſt poynt of the fines that it is of, that it may be kende to all quhat fines it is of. And als, that na Gold-ſmith make in warke or ſet furth his awin gold, or uther mennis gold, under the juſt fineſſe, of twentie twa carrat fine, under the paines foreſaidis.

57. *Anent the diſpoſition of Wine, Salt, and Timmer.*

ITEM, For-ſameikle as it was ſtatute and ordained of before, be ane acte of Parliament, maid be umquhile our Soveraine Ladies deareſt Father: That the Proveſt, Baillies, and Councell of Burrowes, quhen onie Schippes happened to arrive at onie Portes, laden with Wine, Salt, and Timmer, ſuld conveene with the Merchandes that awe the ſaidis Wine, Salt and Timmer, and bye, or ſet ane price of the ſamin reaſonable, that na maner of man, free-man, nor un-free-man, bye onie of the ſaidis Wines, Salt, or Timmer, bot fra the ſaidis Proveſt or Baillies, or awners thereof: And the prices maid be them, as ſaid is, the Prince for the time to be firſt ſerved, and his officiares contented of ſameikle, as they take to the Princis uſe allanerlie: And all Prelates, Earles, Lords, Barronnes, and uthers Gentlemen, to be ſerved of the ſamin prices, like as the ſaid acte mair largelie proportis: Not-theleſſe, the Noble-men, ſik as Prelates, Earles, Lordes, Barronnes, and uthers Gentle-men ar not ſerved, according to the ſaide acte, bot ar conſtained to bye the ſamin fra Merchandes upon greater prices, in-contrair the tenour of the ſaid acte:

THEREFORE, It is ſtatute and ordained bee the Queenis Grace Regent, with adviſe of the three Eſtaites of Parliament, that the prices beand maid in maner foreſaid, that they ſall incontinent paſſe to the mercat-croce of that Burgh, and there be open proclamation declare the prices of the gudes foreſaidis, as they ar maid. And that nane of the gudes foreſaidis be diſponed be the ſpace of foure daies, to the effect, that they may be advertiſed and ſerved, according to the ſaid acte.

58. *Anentis ſtealing of Halkes, Howndes, Pertrickes, Dukes, and ſlauchter of Daes, Raes, Hunting of Deare, taking of Cunninges and fowles.*

ITEM, It is ſtatute and ordeined be the Queenis Grace, with adviſe of the three Eſtaites of Parliamente, that the Actes maid bee King *James* the Third and Fifth, anentis the ſtealing of Halkes, Howndes, Pertrickes, Dukes, and ſlauchter of Daes, Raes, Hunting of Deare, taking of Cunnings and fowls, be of

new

new publiſhed, and the ſame be put to dew execution, and the breakers thereof to be puniſhed conforme to the pains conteined there-intill: And this acte to be extended alſweill upon the ſteallers of Bee-hives, fruit-trees, peillars of barkes of trees within Wooddes, and the fowlers lyand at wait with their nettes, as to the ſlayers of Daes, and Raes foreſaidis: And the ſamin paines to bee execute upon them with all rigour accordingly.

59. *Anentis libertie of Merchandes at the Weſt Seas.*

ITEM, It is ſtatute and ordained, that the acte maid be King JAMES the Fourth, anentis the cumming of Schippes to free Burrowes, at the Weſt Seas, bee publiſhed of new, and the ſamin to be put to execution in all poyntes, after the forme and tenour thereof, and the breakers of the ſamin, to be puniſhed conforme to the paines conteined therein, with this addition: That na perſon take upon hande to bye onie Merchandice fra the ſaidis ſtrangers, bot fra free-men, at free Portes of the Burrowes foreſaidis, under the paine of confiſcation of all the gudes that they bye, togidder with the reſt of their moveable gudes, to be applyed to OUR SOVERAINE LADIES uſe, gif they do in the contrair.

60. *Anentis the ſpeaking evill of the Queenis Grace, or* French-men.

ITEM, For-ſa-meikle as diverſe ſeditious perſones hes in times by-paſt, raiſed amangſt the commoun people murmures and ſclanders, ſpeaking againſt the Queenis Grace, and ſawin evill brute anent the maiſt Chriſtian King of *France* his ſubjects ſent in this Realme, for the commoun weill, and ſuppreſſing of the auld enemies foorth of the ſamin, tending throw raiſing of ſik rumours, to ſteir the hearts of the ſubjectes to hatrent againſt the Prince, and ſedition, betuixt the Lieges of this Realme, and the maiſt Chriſtian Kingis Lieges foreſaidis: And for eſchewing of ſik inconvenientes, as micht follow there-upon: IT IS DEVISED, Statute and ordained, that gif onie perſones in times cumming bee hearde ſpeakand ſik unreaſonable commoning, quhair-throw the people may take occaſion of ſik privie conſpiracie againſt the Prince, or ſedition againſt the maiſt Chriſtian Kingis ſubjectes foreſaidis, the ſamin being proven, ſall be puniſhed, according to the qualitie of the fault in their bodies and gudes, at the Queenis Grace pleaſure: And in-caſe the hearer thereof report not the ſamin unto the Queenis Grace, or her Officiares, to the effect that the ſamin may bee puniſhed, as accordis, that he ſall incurre the ſaidis paines quhilkis the principall ſpeaker or raiſer of ſik murmures deſervis.

61. *Anentis* Robert Hude, *and* Abbot *of* Un-reaſon.

ITEM. It is ſtatute and ordained, that in all times cumming, na maner of perſon be choſen *Robert Hude*, nor *Little John*, *Abbot* of *Un-reaſon*, *Queenis* of *Maij*, nor utherwiſe, nouther in Burgh nor to Landwart, in onie time to cum: And gif ony Proveſt, Baillies, Councell, and Communitie, chuſe ſik ane Perſonage as *Robert Hude*, *Little John*, *Abbotis* of *Un-reaſon*, or *Queenis* of *Maij*, within Burgh, the chuſers of ſik, ſall tine their freedome for the ſpace of five zeires, and utherwiſe ſall be puniſhed at the Queenis Grace will, and the acceptar of ſik-like office, ſall be baniſhed foorth of the Realme: And gif ony ſik perſones, ſik as *Robert Hude*, *Little John*, *Abbotis* of *Un-reaſon*, *Queenis* of *Maij* beis choſen outwith Burgh, and uthers Landward Townes, the chuſers ſall pay to our Soveraine Ladie, ten poundes, and their perſones put in waird, there to remaine during the Queenis Grace pleaſure: And gif onie Women or uthers about Summer trees ſingand, makis perturbation to the Queenis Lieges in the paſſage throw Burrowes and uther Landward Townes: The Women perturbatoures for skaſrie of money, or utherwiſe, ſall be taken, handled, and put upon the Cuck-ſtules of everie Burgh or Towne.

FINIS.

THE

THE SEVENTH PARLIAMENT OF MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the fourteenth day of December, the zeir of God, ane thousand, five hundreth, and fiftie seven zeires: Be* MARIE, *Queene Dowager, and Regent.*

62. *Anent the finding of caution in maters of improbation.*

ITEM, Becauſe oft and diverſe times, parties ar differred and poſt-poned of obteining their intentes and ſentences in their juſt actiones, be opponing of falſettes and improbations, quhair throw proceſſes ar prolonged, to the great hurte of the ſaidis parties: It is therefore thocht expedient, ſtatute and ordained be the Queenis Grace Dowager, Regent of this Realme, and three Eſtaites thereof: That in all times cumming, quhat-ſumever partie proponis falſet, and takis on hand to improove ony Charter, Precept, inſtrument of ſaiſing, contract, obligation, acquittance, teſtament, or uther writing quhat-ſumever, before the Lordes of our Soveraine Ladies Councell and Seſſion, Schireffes, Stewardes, Baillies of Royalties or Regalities, their Deputes, Proveſtes, Aldermen, Baillies of Burrowes, or ony uther Judge Spirituall or Temporall within this Realme, and failzies in the improbation of the ſame, the ſaid partie ſall be condemned at the giving of the ſentence in the principall mater, to paye ane pecuniall ſumme, as paine arbitrall, at the ſight and diſcretion of the ſaidis Lordes, or uthers Judges quhat-ſumever: That ane halfe thereof to be applyed and payed to the Queenis Grace, and the uther to the partie adverſar. Providing alwaies, that there ſall be na terme granted, ſet, nor affixed to the ſaid partie takand on hand, and offering to improove, quhill they finde caution then preſently acted in judgement, for payment of the ſaid paine, gif the ſaidis Lordes, Schireffes, or uthers Judges underſtandis, that the ſaidis parties may get ſik caution, and failzieing thereof, the ſaidis parties themſelves to bee then acted for the ſamin: Providing alſwa, that in all ſik maters of improbationes to be proponed or mooved at the Queenis Grace inſtance, or her Hieneſſe Advocates, the promoter and inſtructer of the cauſe, finde ſik caution and be acted, as ſaid is: And this to be extended for finding of ſik caution, and acting alſweill at the raiſing of the ſummonds or precept, as objection of falſed, and offering to improove at ony part of the proceſſe.

63. *Anent the probation of exceptions be write.*

ITEM, It is ſtatute and ordained, that ony exception being admitted to probation, it ſall be declared bee the Lordes, how meikle of it requiris probation in write. And the proponer thereof, ſall produce the writ, in the terme aſſigned to proove, or then doe ſufficient diligence to cauſe it be produced, gif the ſamin be not in his awin handes: And failzieing thereof, proteſtation ſall be given againſt the probation of that part of the ſaid exception: and gif the write be produced, it ſall be leaſum to the partie adverſar, to ſay againſt the ſamin, after renuntiation of further probation be maid be the proponer of the ſaid exception, or proteſtation of the partie adverſar, admitted againſt further probation thereof.

64. *The expenſes of pley to be taxed and inſert in the decreetes.*

ITEM, The Lordes ordainis condemnatour or abſolvitour of expenſes to be maid at the deciſion of everilk cauſe, and the ſamin taxt, to be ſummed in the principall decreetes to bee given hereafter: Providing alwaies, that expenſes uſed in time by-gane, to be given in ony artickle of the proces be payed, as they were woont to be of before.

FINIS.

THE

THE AUCHT PARLIAMENT CURRENT,

Halden at Edinburgh, *the twentie ninth day of November, the zeir of God, ane thousand, five hundreth, and fiftie aucht zeires: Be* MARIE, *Queene Dowager, and Regent.*

65. *The priviledge and liberties of* French-men *within* Scotland.

ITEM, Becauſe the maiſt Chriſtian King of *France*, hes granted ane letter of naturalitie, for him and his Succeſſoures, to all and ſindrie *Scotteſ-men* being in the Realm of *France*, or ſall happen to be in the ſame in onie times to-cum: Makand them able to bruik landes, heretages, offices, dignities, and benefices: And to diſpone thereupon, and their aires to ſucceede to their landes and heretages: Like as the ſaid letter of naturalitie, regiſtred in the Parliament of *Paris*, in the great Councell, and in the Chalmer of compts, in the ſelfe, at mair length proportis: Therefore the Queenis Grace Dowager, and Regent of this Realme, and three Eſtaites of the ſamin, thinkis it gud and agreeable, that the like letter of naturalitie be given and granted be the King and Queene of *Scotland*, Daulphin and Daulphineſſe of *Viennoys*, to all and ſindrie the ſaid maiſt Chriſtian King of *France* ſubjects, being, or ſall happen to be in the Realme of *Scotland*, in onie times to-cum, with ſiklike priviledges and faculties as is given be the ſaid maiſt Chriſtiane King of *France*, to the ſubjectes of this Realme: And the ſaide letter of naturalitie to be regiſtred in the buikes of Parliament, buikes of Councell and Seſſion, and in the Checker Rolles: Quhilkis letters of naturalitie, granted be the ſaid maiſt Chriſtian King, is brocht hame and regiſtred in the buik of Parliament, to be delivered to quhat-ſum-ever that requiris the ſamin.

66. The priviledges and liberties of *Scotteſ-men* within the Realme of *France*.

HENRY *PAR LA GRACE DE DIEV ROY DE* France, *A tous preſents & a venir, Salut. Comme depuis le mariage cy devant pourparlé entre noſtre treſcher & treſaymé fils le Roy Daulphin, & noſtre treſchere & treſaymée fille la Royne d'Eſcoſſe Daulphine ſon eſpouſe, faict, arreſté & conſumé, Les deputez des Eſtatz dudit royaume, ayent pour & au nom deſdits eſtatz faict a noſtre dict fils le ſerment de fidelité comme a leur vray & naturel Seigneur qu'il eſt, Au moyen de quoy eſtans les ſubjects des deux royaumes (qui ont juſques icy & des long temps ordinairement communiqué enſemble, veſcu en mutuelle amitié & intelligence, favoriſé & ſecouru les uns les autres) par l'approche des maiſons de* France *& d'Eſcoſſe tellement unis enſemble, que nous les eſtimons comme une meſme choſe. Et deſirants a ceſte cauſe, pour mieux eſtablir, entretenir & fortifier ceſte amitié entre nos dits ſubjects & ceux dudit royaume d'Eſcoſſe, & donner auſdits habitants d'iceluy Royaume d'Eſcoſſe plus de moyen de viſiter leur Roy & Royne quand ils ſeront dedeca, reſider auprés d'eux, les ſuyvre & ſervir comme a bons & fideles ſubjects apartient: Les gratifier & favoriſer des graces & privileges dont jouyſſent nos propres ſubjects. Scavoir faiſons qne nous, ces choſes conſiderées, & pour pluſieurs autres grandes & raiſonnables cauſes a ce nous mouuantes, auons a tous les habitants dudit royaume d'Eſcoſſe, ſubjects de noſtre dit fils le Roy Daulphin, & de noſtre dite fille ſon eſpouſe, permis accordé & octroyé, permettons, accordons & octroyons par ces preſentes, qu'ils puiſſent & leur loyſe toutesfois et quantes que bon leur ſemblera ſoy habiter, venir, reſider, et demeurer en ceſtuy noſtre royaume, et en iceluy accepter tenir et poſſeder tous et chacun les benefices, dignitez et offices Eccleſiaſtiques, dont ils pourront eſtre juſtement et canoniquement pourueus, a bon titre, non derogeant aux ſaincts decretz, concordats, privileges, franchiſes et libertez de l'Egliſe Gallicane. D'iceux prendre et apprehender la poſſeſſion et jouyſſance, et en recevoir et percevoir les fruicts, profits, et revenus a quelque ſomme qu'ils ſoyent, & ſe puiſſent monter. Et d'avantage, acquerir en ce royaume, pais, terres & ſeigneuries de noſtre obeiſſance, tous & chacun les biens tant meubles qu'immeubles, qu'ils verront bon eſtre: Les tenir et poſſeder, Enſemble ceux qui leur pourront eſcheoir, competer et apartenir, ſoit par ſucceſſion, donation ou autrement, et en ordonner et diſpoſer par teſtament, ordonnance de derniere volonté, donation faicte entre vifs, et en quelque autre ſorte que ce ſoit. Et que leurs heritiers ou autres auſquels ils en auront diſpoſé, leur puiſſent ſucceder, prendre et apprehender la poſſeſſion et jouyſſance de leurſdits biens, tout ainſi qu'ils feroyent et faire pourroyent s'ils eſtoyent originairement natifs de noſdits royaume et pais. Sans que noſtre procureur general, ou autres nos officiers puiſſent doreſnavant pretendre leſdits biens a nous acquis par droict d'aubeyne, ny leſdits ſubjects dudit royaume d'Eſcoſſe ſoyent en la jouyſſance d'iceux biens aucunement troublez. Et a tout ce que deſſus nous les auons habilitez et diſpenſez, habilitons et diſpenſons par ces preſentes, ſoit qu'ils ſoyent habituez en noſtredit royaume, pais, terres et ſeigneuries*

de noſtre obeiſſance, ou au dit royaume d'Eſcoſſe, ſans qu'ils ſoyent tenus pour raiſon de ce, nous payer ou a nos ſucceſſeurs aucune finance ou indemnite, de laquelle, a quelque ſomme, valeur, & eſtimation qu'elle ſoit & ſe puiſſe monter, nous les avons, en conſideration de ce que deſſus, quitez & deſchargez, quitons & deſchargeons, & d'icelle, en faveur de noſtre dit fils & de noſtre dite fille, faict & faiſons don par ces preſentes ſignees de noſtre main. A la charge, que ſi pour raiſon deſdits benefices ſe meut procés, ils ne feront tirer ny convenir aucuns de nos ſubjects ſi non par devant ceux de nos Judges auſquels la cognoiſſance en appartiendra. Si donnons en mandement par ces meſmes preſentes, a nos amez & feaux, les gens tenants nos courts de Parlement, grand Conſeil, & de nos comptes a Paris, *& a tous nos Baillifs, Seneſchaux, Prevoſts, & autres nos Juſticiers & Officiers, ou leurs Lieu-tenants, preſents & a venir, & a chacun d'eux comme a luy apartiendra, Que de nos preſentes graces, congé, licence & permiſſion, & de tout le contenu en ces dites preſentes, ils facent, ſouffrent & laiſſent leſdits ſubjects & habitants dudit royaume d'Eſcoſſe jouyr & uſer plainement & paciblement, Ceſſants & faiſants ceſſer tous troubles & empeſchements au contraire: Car tel eſt noſtre plaiſir. Non obſtant que la valeur de ladite finance ne ſoit icy ſpecifiée ny declarée, Que tels dons n'ayons accouſtumé faire que pour la moitié ou le tiers, Les ordonnances par nous & nos predeceſſeurs faictes ſur l'ordre & diſtribution de nos finances, Et meſmes celle du mois de Decembre dernier, par laquelle il eſt dit, que tous dons, bien-faicts & recompenſes, ſeront payez par le threſorier de noſtre eſpargne: A quoy nous auons de noſtre plaine puiſſance et authorité royale derogé et derogeons, et aux derogatoires y contenues, par les preſentes: Et a quelconques autres ordonnances, reſtrictions, mandements et defenſes, a ce contraires. Et pour ce que de ces preſentes l'on pourra avoir affaire en pluſieurs et divers lieux, nous voulons qu'au vidimus d'icelles, faict ſoubs ſeel royal, ou deuement collationé par l'un de nos amez et feaux notaires et ſecretaires, foy ſoit adjouſtée, comme a ce preſent original. Auquel, afin, que ce ſoit choſe ferme et ſtable a touſiours, nous auons faict mettre et appoſer noſtre ſeel: Sauf en autres choſes, noſtre droict, et d'autruy en toutes. Donné a Viliers couſterez, au mois de Juin, l'an de grace, mil cinq cents cinquante et huict. Et de noſtre regne le douziéſme.*

THE Quhilk day the Queenis Grace, and haill three Eſtaites of Parliament, gave ſpeciall command, all in ane voyce, but diſcrepance, to Maiſter *James Mackgill* of *Rankelaur-Nether*, Clerk of Regiſter, to give the authentick copies to all deſirers of the acte, anent the Naturalization of *Scotteſ-men* in *France*, And of *French-men* in *Scotland*.

FINIS.

THE NINTH PARLIAMENT OF MARIE, QUEENE OF SCOTLAND.

Halden at Edinburgh, *the fourth day of Junij, the zeir of God, ane thouſand, five hundreth, and threeſcore three zeires.*

67. *The acte of Oblivion.*

OUR SOVERAINE LADIE, of the great affection and love, that her Grace bearis toward her ſubjectes, and for conſervation and conteining of them, and everie ane of them, in ſincere amitie, and mutuall love: And for eſchewing of all plead, diſcorde, action, queſtion, querrell, or debate, that may hereafter, or micht in time by-gane ariſe, or to bee moved be either of them, againſt uthers, for onie cauſe or occaſion done, or committed be onie of them, to, or againſt uthers, during the time of the late troubles in her Majeſties abſence, or for onie cauſe that her Grace may have, or moove againſt them, for the tranſgreſſion of the Lawes of her Hieneſſe Realme, or onie uthers received within the ſamin, ſen, and fra the ſext day of *March*, in the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, unto the firſt day of *September*, *excluſive*, the zeir of God, ane thouſand, five hundreth, threeſcore ane zeires: And for ane commoun peace, union, reconciliation, and quietneſſe, to be perpetuallie obſerved be the haill Lieges and inhabitants of this Realme, ſwa that they may at their uttermaiſt power, with ane uniformitie of minde, obey

obey and ſerve her Majeſtie in all ſortes, as becummis maiſt humble and faithfull ſubjectes, to the glorie of God, her Hienes contentment, and common wealth of her Native cuntrie: Be the adviſe, Councell, and deliberation of her Grace three Eſtaites, preſentlie conveened, hes found profitable and neceſſar for the gud governement, and adminiſtration of the Realme, and commoun wealth thereof: That ane ſtatute, Lawe and ordinance of perpetuall Oblivion, be maid and eſtabliſhed: Like as her Hieneſſe be the adviſe and conſent of the haill three Eſtaites of her Majeſties Realme, conveened in this preſent Parliament, makis and eſtabliſhis ane *L*aw of Oblivion.

THAT All deede, occaſion, counſell, and pretence of quhat-ſumever weicht, or qualitie, that may be alleaged, or appeare to have bene done, maid, given, pretended or aſſiſted to, be quhat-ſum-ever perſon or perſones her Majeſties ſubjectes and lieges of quhat-ſum-ever qualitie, ſtate, or condition they bee of, contrair the Lawes of this Realme, ſtatutes, ordinances, conſtitutiones thereof, or quhat-ſum-ever uther Lawes, received or uſed in the ſamin, in onie times by-gane, to quhat-ſum-ever effect, ſen, and fra the ſaid ſext daye of March, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, to the ſaid firſt daye of September, *excluſive*, the zeir of God, ane thouſand, five hundreth, threeſcore ane zeires, and the memorie thereof with all actiones civill or criminal, that may reſult there-throw: To be expyred, buryed and extinct for ever: even as the ſame had never bene maid, done, counſelled, thocht, pretended, nor aſſiſted to, ſwa that nather they, nor their aires, nor ſucceſſoures may be indicted, perſewed, ſummoned, accuſed, followed, or conveened therefore civilie or criminallie, before her Hieneſſe, or her Graces Succeſſoures, nor three Eſtaites of Parliament, nor uther Judge or Judges criminall or Civill, Spirituall or Temporall quhat-ſum-ever, within this Realme, or out-with the ſamin, in onie time to-cum be her Hieneſſe, her Gracis Succeſſoures, or their Advocates, nor be onie her Gracis ſubjectes, or onie uthers maner of perſones quhat-ſum-ever, diſchargeing expreſlie bee this preſent Law of Oblivion the Eſtaites foreſaide, Juſtice generall, his deputes: Lordes of the College of Juſtice and Seſſion: All *S*chireffes, Stewardes, Baillies, alſweill of Regalities as Royalties: Proveſtes, Baillies and Councell of Burrowes: Legates, Arch-biſhoppes, Biſhoppes, Abbottes, Commendatars, Prioures, and all uthers Judges, Magiſtrates and Officiares of quhat-ſum-ever Eſtaite, degree, or condition they be of, of onie indicting, arreiſting, ſummounding, accuſing, following, calling, perſewing, conveening, or proceeding, againſt quhat-ſum-ever perſon or perſones, her Hieneſſes ſubjectes and lieges, of quhat-ſum-ever qualitie, Eſtaite, degree, or condition they be of, for the premiſſes, or onie poynt thereof, or depending thereupon onie maner of way, and of their offices and Juriſdiction there-anent, for now and ever.

AND FURDER, It ſall not be leiffull be Acte of Parliament, or utherwayes hereafter, to make onie derogation of this preſent Lawe, ſtatute and ordinance of Oblivion, nor cum in the contrair of the ſamin, directlie, or indirectlie, without expreſſe adviſe and conſent of the haill perſones, and everie ane of them that hes or may pretend to have entreſſe, priviledge, or favour, bee reaſon of this Law of Oblivion foreſaid.

OUR SOVERAINE *L*ADIE, With adviſe of her three Eſtaites, being willed and minded, that na perſon nor perſones, ſubjectes of her Majeſties Realme, being un-worthie of the priviledge and favour of the acte and ſtatute of the *L*aw of Oblivion, have, bruik, joyis, nor uſe the priviledge thereof, for ſik tranſgreſſion, deede, or attemptate, done, or committed be them, or onie of them, fra the ſext day of March, the zeir of GOD, ane thouſand, five hundreth, fiftie aucht zeires, to the firſt day of September, the zeir of GOD, ane thouſand, five hundreth, threeſcore ane zeires. Hes ſtatute and ordained, and bee thir preſentis, ſtatutis and ordaines, that letters be direct, publiſhed, and proclaimed at all the head Burrowes of this Realme, alſweill within Regalities, as Royalties: Commanding and chargeing all and ſindrie, OUR ſaide SOVERAINE LADIES Lieges, of quhat-ſum-ever degree, Eſtaite, or qualitie they be of, havand or pretendand to have action, outher criminall, or civill, for onie deede, cauſe, or occaſion, done, committed, or aſſiſted to, fra the foreſaid ſext daye of March, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, to the firſt day of September, the zeir of GOD, ane thouſand, five hundreth, threeſcore ane zeires, that they and everie ane of them, intent and perſew the action, quhilk they pretend to have, alſweill for recovering, as for reduction of decreetes, els given upon deedes done within the time foreſaid, before the Judges Ordinar and competent: And gif the partie perſewed be himſelfe, or his procuratoures, will, or may alleage, that the perſewer ſuld not be heard, in reſpect of the Law of Oblivion foreſaid: Then, and in that caſe, the Judge civill ſall ceaſe of further proceeding in that cauſe, and the parties defender and perſewer, ſall cum to the Lordes and perſones underwritten: That is to ſaye, the Noble and michtie Lords, JAMES, Duke of *Chaſtel-Heraud*, Lord *Hammilton* &c. ARCHEBALDE, Earle of *Ergyle*, Lord *Campbel* and *Lorne*, Juſtice Generall &c. JAMES, Earle of *Murray*, Lorde *Albernethy* and *Strathnarne*. JAMES, Earle of *Mortoun*, Lorde *Dalkeith*, Chancellar &c. WILLIAM, Earle *Marchel*, Lorde *Keith* &c. ALEXANDER, Earle of *Glencarne*, *L*orde *Kilmawris* &c. JOHN, *L*orde *Erſkin*: PATRICK, *L*orde *Ruthwen*. Ane Reverend Father in GOD, HENRIE, Biſhoppe of *Roſſe*, Preſident of the College of Juſtice and Seſſion: Ane venerable Father in GOD, MARK, Commendatar of the Abbay of *New-bottle*: Schir RICHARD MAITLAND, of *Lethingtoun*, Knight, Keiper of the privie *S*eale: Maiſter JAMES MACKGIL of *Rankelour* Nether, Clerke of Regiſter: Schir JOHN BELLENDEN, of *Auchinnowl* Knight, Juſtice Clerke: WILLIAM MAITLANDE, of *Lethingtoun* zounger, Secretar: M. ROBERT RICHARDSON, Commendatar of Saint *Marie Ile*, Theſaurer: Schir JOHN WISCART of *Pittarro* Knight,

Comptroller: Maiſter JOHN SPENSE of *Condie*, Advocate to OUR SOVERAINE LADIE, Maiſter THOMAS MAKCALZIEANE, Commiſſioner for the Burgh of *Edinburgh*: Maiſter JAMES HALIBURNTON, Tutour of *Petcur*, Proveſt of *Dundie*: And JOHN ERSKIN of *Dun*, Proveſt of *Montroſe*: And give in their ſupplicatione to the haill Lordes fore-ſaid, gif they chance to be preſent togidder, and failzieing thereof, to the ſaidis Chancellar, Preſident, Clerke of Regiſter, or Advocate, within this Burgh of *Edinburgh*, bearand the tenour of the perſute and allegeance of the Law of Oblivion, for the defender or perſewer for reduction: And the ſaidis Lordes, or onie ſex of them, three of the ſaidis Earles or Lordes alwayes being of the ſaide number: Quha ſall give their declaration upon the ſaide exception proponed civilie, and put the ſamin in writ, in the Regiſter, quhidder the defender or perſewer to reduce bee worthie, and ſulde bruik, joyis, and have the priviledge of the ſaid Law: And as they declair the ſamin to be obſerved, *Videlicet*, Gif they be not worthie, the Lawe to bee na ſufficiente exception to them, and the Judges, quhom before the ſaidis exceptiones ſall happen to be proponed, ſall incontinent thereafter proceede, according to the declaration of the ſaidis Lordes, to be ſchawen to them, extract and drawen foorth of the Regiſter, authenticklie ſubſcrived be the Clerke of Regiſter, or his deputes, and na utherwayes, and do Juſtice to the ſaids perſewers or defenders, and admit or repell the ſaid exception, or admit proteſtations, as the Law requiris.

AND SICK-LIKE, Gif onie perſon or perſones, callis or perſewis uthers criminallie, or intendis to dee the ſamin, for onie crime done within the time foreſaide, the partie quha is charged to underlie the Lawe, findand ſovertie, ſall cum with the copie of letters or ſummoundes, quhairby he is charged to ſchaw the ſamin to the ſaidis Lordes, or onie ſex of them: Three of the ſaidis Earles or Lordes being of them: Quha ſall declair quhidder the partie defendar, be worthie of the ſaid Law or not: And as they declair, the Juſtice to proceede, or to deſiſt fra proceeding, as the ordinance to be maid and given there-upon be the ſaidis Lordes ſall beare, ſubſcrived, as is before ſpecified: And in-caſe of in-laik, of onie of the number of the ſaidis Lordes, choſen to the effect foreſaide, within the ſpace under-written: It ſall be leaſum to the remanent, then being on live, to elect and chuſe ſa monie uthers in their places, quha ſall declare the ſaid Lawe, in maner foreſaid, within the time and ſpace within rehearſed.

PROVIDING Alwayes, that quhat-ſum-ever of OUR SOVERAINE LADIES Lieges, had, hes, or pretendis ony action criminallie or civilie, or reduction of decreetes els given in maner foreſaid, quhairof the deede was done, committed or aſſiſted to, fra the foreſaid ſext day of March, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, to the ſaid firſt daye of September, the zeir of GOD, ane thouſand, five hundreth, three ſcoir ane zeires; that they intent and perſew the ſamin before the Juſtice, his Deputes, the Judges Ordinares, alſweill in Regalitie, as Royaltie, betuixt this and the firſt day of Auguſt, the zeir of GOD, ane thouſand, five hundreth, threeſcore foure zeires: Declairand be thir preſentes, that quha that perſewis not within the ſaide ſpace, they, their aires, executoures or aſſignayes ſall never be heard to perſew the ſame, or have action thereto againſt them, quha will alleage the foreſaid Law of Oblivion.

NOTWITH-STANDING, Quhat-ſum-ever Juriſdiction, priviledges, Lawes, or conſtitutiones, quhilkis the ſaidis perſones, or onie of them had, hes, or may pretend or acclaime, as granted be OUR ſaid SOVERAINE LADIE, Her Grace Predeceſſoures, or uther Judge or Judges quhatſumever. AND SICK-LIKE Ordainis, this declaration againſt Minores, or uthers quhatſumever, that may pretend priviledge of na preſcription be the Lawes of this Realme, or uther quhatſumever Lawes, that they make perſute to their ſaidis actiones, within the ſpace and time foreſaid: *Videlicet*, the ſaidis Minors with adviſe of their Tutoures or Curatoures.

PROVIDING Alſwa in likewiſe, that in-caſe the ſaidis Minors be hurte be negligence of their ſaidis Tutoures and Curatoures in their ſaidis actiones, quhilkis they had, or pretendis to have, for quhatſumever deede, cauſe, or action, done or committed, during the ſpace foreſaid, that the ſaidis Tutoures and Curatoures, ſall be halden to anſwere for the damnage and ſkaith ſuſteined, and to be ſuſteined be the ſaidis Minors there-throw, and they to have ſufficient action againſt them, for recovering thereof, as done in their default and negligence, and ſall have na action againſt the principall perſon, committer of the ſaid deede, at onie time hereafter. And uthers perſones, that may pretend priviledge in maner foreſaid, never to have action in likewiſe in time cumming.

68. *Anent cruves and zaires.*

THE Queenis Majeſtie, and the three Eſtaites of this preſent Parliament, ratifies and apprievis the acte maid be her Hieneſſe maiſt Noble Gud-ſchir, King JAMES the Fourth of gude memorie, of the quhilk the tenour followis.

ITEM, It is ſtatute and ordained, that all cruves and fiſh dammes that ar within Salt waters that ebbis and flowes, be all uterlie deſtroyed and put downe, alſweill, they that perteinis to our Soverain Lord, as uthers throw all the Realme. And anentis cruves in freſh waters, that they be maid in ſik largeneſſe, and ſik dayes keiped, as is conteined in the actes and ſtatutes maid there-upon of before, with this addition following: That is to ſay, that all cruves and zaires, that ar ſet of late upon ſand, and ſchauldes, far within the water, quhair they were not of before, that they bee incontinente tane downe and put away,

and

and the remanent cruves that ar ſet and put upon the water ſandes, to ſtande ſtill quhill the firſt day of October nixt to-cum, and incontinent after the ſaid firſt day, to be deſtroyed and put away for ever. And for execution of this act, ordainis everie Earle, Lord, Barronne, and everie Gentle-man landed, within his awin boundes, to cauſe remove, deſtroy, put downe, and take awaye the ſaidis cruves and zaires, in maner foreſaide, *reſpective*, under the paine of ane hundreth poundes to bee taken up of their gudes, that puttis not this act to dewe execution, and the ſaid ſumme to be in-brocht and applyed to our Soveraine Ladies uſe, and that everie Schireffe, Stewarde, Baillie, alſweill of Regalitie as Royaltie, their deputes and uthers Judges within their awin Juriſdictiones, take gude attendence and ſee, that as is conteined in this preſent acte be done, and put to execution in all poyntes, according to the tenour of the ſamin: And failzieing thereof, that everie Schireffe, Steward, Baillies, alſweill of Regalities, as Royalties, and uther Judges, within their awin Juriſdiction, as ſaide is, up-take and in-bring the ſaide paine of ane hundreth poundes of everie Earle, Lorde, Barronne, Gentle-man landed, or uthers negligent in the premiſſes, and make compt thereof zeirlie in the Checker: And gif the ſaidis Schireffes, Stewards, Baillies of Regalities or Royalties, beis foundin negligent in execution of their offices, anent this acte, that the foreſaid ſumme be up-lifted of themſelves, and in-brocht to our Soveraine Ladies uſe, and that but prejudice of the paines to be execute upon the foreſaidis Earle, Lorde, Barronne, Gentle-man, or uther contraveners of the foreſaide acte: Providing alwayes, that this acte on na-wayes be extended to the cruves and zaires being upon the water of *Solway*.

69. *Anentis the carying and having of gold and ſilver furth of the Realme.*

ITEM, The Queenis Majeſtie, with the adviſe of the three Eſtaites in this preſent Parliament, hes ratified and apprieved, and ratifies and apprievis all Actes maid of before be her Hieneſſe Predeceſſoures, anentis the carying and away taking of Gold and Silver foorth of this Realme in all poyntes, with this addition: That na maner of perſon nor perſones, pretend or take upon hand to take away or cary foorth of this Realme, onie golde or ſilver, in onie time hereafter, under the paine of eſcheitting of the ſamin, and of all the remanent of their moveable gudes that dois in the contrair, and for obſerving hereof, and tryal to be had there-upon. SICK-LIKE Ordainis, that quhat-ſum-ever perſon or perſones that will cum, reveale and ſchaw the ſamin, and give up their names, that offendis this Law and act, that perſon or perſones, ſall have the fourth parte of the ſaide golde and ſilver, and remanent of their moveable gudes, the ſamin being tryed be their revealing. And in-caſe the revealer be partener of the away-taking, and carying of the ſaid gold and ſilver foorth of this Realme: In that caſe, he ſall be free of all paines, dangers and perrell that he may in-cur be this act: And ſall have for his reward, as is before rehearſed, like as he had bene na partener thereof: And this acte for the ſpace of five zeires to indure: Providing that all Merchandes and uthers, paſſand foorth of this Realme, according to the Lawes of the ſamin, may have ſa-meikle golde and ſilver allanerlie, as may be their neceſſar expenſes, quhill they cum to the partes bezond Sea, quhair they have their neceſſar buſineſſe ado.

70. *Anentis the hame bringing of falſe cuinzie, and uſing of the ſamin within this Realme: And als anentis forgers and makers thereof within the ſamin.*

ITEM, Our Soveraine Ladie, with adviſe of the three Eſtaites in this preſent Parliament, hes ratified and apprieved, and ratifies and apprievis all actes maid of before, touching the hame-bringing of falſe cuinzie of gold or ſilver, layed money, or uther money quhat-ſum-ever within this Realme: And ſik-like, anentis the makers, forgers of falſe cuinzie within the ſamin, with this addition following: That quhat-ſum-ever perſon or perſones that will cum, reveale, and declare the names of the hame-bringers of ſik-like falſe cuinzie, outher of golde or ſilver, or uther layed money, or of the makers, forgers and feinziers thereof within this Realme, that that perſon or perſones ſall have that ane halfe of the eſcheit of all his lands and gudes moveable and unmoveable, of the ſaid perſon or perſones, offenders of this preſent act and Law, the ſamin being tryed be his revealing: And for the ſcharpe execution hereof, that gude attendance be given be the Searchoures and uthers Officiares throw all the Realme: And that the Conſervatour in *Flanders* in likewiſe be advertiſed to make knawledge be had, gif onie ſik falſe cuinzie cummis furth of thay partes to this Realme.

71. *Anentis the making of ſalt within this Realme.*

ITEM, Becauſe the Queenis Majeſtie, hes be her prudencie and moyen, brocht certaine ſtrangers of excellent ingine within this Realme, quha hes accorded to labour, diſcover, and manifeſt ane new maner of making of ſalt, different from the faſhion uſed of before within the ſamin: Quhilk invention is thocht to be verie profitable for the haill inhabitants of this Realme, and interteining of the trafficque of Merchandice: Therefore it is ſtatute and ordained be her Majeſtie, with adviſe of the three Eſtaites of Parliament, that nane of her Hieneſſe ſubjectes take upon hand, for the ſpace of fiftie zeires nixt and immediatlie following hereafter, to make, or cauſe be maid ony Salt of the newe faſhion, and maner invented, or to be uſed be the ſaids ſtrangers, different from the faſhion now, & of before uſed within this Realm without ſpecial licence had and obteined of her Hieneſſe and Succeſſoures there-upon, under the paine of death, and confiſcation of the

landes, ground and houſes, quhair the ſaide ſalt ſall happen to be maid, and the ſaidis fiftie zeires being by-paſt, gif it happenis ony perſon or perſones, to make ſalt, or cauſe ſalt to be maid, according to the ſaid new faſhion, and different from the faſhion now uſed: That that perſon or perſons, ſall pay ſa-meikle as the ſaidis ſtrangers ſulde pay for everie hundreth bolles, comptand five ſcoir bolles allanerly in this caſe for the hundreth, during the ſaid ſpace of fiftie zeires, or onie parte thereof: That is to ſay, ſeven bolles and ane halfe to the Queenis Grace Majeſtie, and ane boll to the Conſervatour, to be depute for keiping of the ſalt that beis maid in maner foreſaid.

72. *Gleibes and manſes may not be ſet in few or lang tackes: The manſe perteinis to the Miniſter.*

ITEM, Becauſe it is underſtandin to our Soveraine Ladie, and the three Eſtaites of this Realme, that the parſones, Vicars, and uthers Kirk-men within the ſamin, hes ſet in few or lang-tackes ane great part of their manſes and gleibes, quhair-throw there is na ſufficient dwelling place for them that ſervis, and ſuld ſerve and miniſter at the Kirkes, to remaine thereat, for the inſtruction of the Parochiners: For remeid hereof, it is ſtatute and ordained be our ſaid Soveraine Ladie, with the adviſe of the Eſtaites foreſaid, that na parſon, Vicar, nor uther Eccleſiaſtical parſon, ſet in few, or lang-tackes, onie of their manſes or gleibes, perteining to the ſaidis Kirkes, without ſpecial licenſe and conſent of the Queenis Grace in writ. And alſwa it is ſtatute and ordained, that they that ar appoynted or to be appoynted to ſerve and miniſter at ony Kirk in this Realm, have the principal Manſe of the parſon or Vicar, or ſa-meikle thereof, as ſall be fundin ſufficient for ſtaiking of them: to the effect that they may the better await upon the charge appointed and to be appoynted unto them, quhidder the ſaidis gleibes be ſet in few or tack of before or not: Or that ane reaſonable and ſufficient houſe be bigged to them beſide the Kirk, be the Parſon or Vicar, or uthers havand the ſaidis Manſes in few or lang tackes: And this to be done betuixt and the firſt day of November, nixt to-cum. And further, ſa-meikle land to be annexed to the ſaidis dwelling places of them that ſervis and Miniſteris at the Kirk, as ſall be hereafter with gude adviſement appoynted.

73. *Anentis Witch-craftes.*

ITEM, For-ſa-meikle as the Queenis Majeſtie and the three Eſtaites in this preſent Parliament, being informed of the heavie and abhominable ſuperſtition uſed be diverſe of the lieges of this Realme, be uſing of Witch-craftes, Sorcerie and Necromancie, and credence given thereto in times by-gane, againſt the Law of God: And for avoyding and away-putting of all ſik vaine ſuperſtition in times to-cum: It is ſtatute and ordained be the Queenis Majeſtie, and the three Eſtaites foreſaidis, that na maner of perſon nor perſones, of quhat-ſum-ever Eſtaite, degree, or condition they be of, take upon hand in onie times hereafter, to uſe onie maner of *Witch-craftes*, *Sorcerie* or *Necromancie*, nor give themſelves furth to have onie ſik craft or knawledge theirof, their-throw abuſand the people: Nor that na perſoun ſeik onie helpe, reſponſe or conſultation at onie ſik uſers or abuſers foreſaidis of *Witch-craftes*, *Sorceries* or *Necromancie*, under the paine of death, alſweill to be execute againſt the uſer, abuſer, as the ſeiker of the reſponſe or conſultation. And this to bee put to execution be the Juſtice, Schireffis, Stewards, Baillies, Lordes of Regalities and Royalties, their Deputes, and uthers ordinar Judges competent within this Realme, with all rigour, having power to execute the ſamin.

74. *Anentis adulterie.*

ITEM, For-ſa-meikle as the abhominabil and filthie vice and crime of adulterie, hes bene perniciouſly and wickedly uſed within this Realm in times by-gane, be ſindrie lieges heirof, havand na regaird to the commandementes of God, bot to their awin ſenſualitie and filthie luſtes and pleaſour theirof. And for eſchewing of the ſamin in times cumming: It is ſtatute and ordained be the Queenis Majeſtie, and three Eſtaites in Parliament, that all notour and manifeſt committers of adulterie in onie time to-cum, after the dait hereof, ſall be puniſhed with all rigour unto the death, alſweill the woman as the man, doer and committer of the ſamin, after that dew monition be maid to abſteine fra the ſaid manifeſt and notour cryme. And for uther adulteris, that the Actes and Lawes maid their-upon of before, be put to execution with all rigour. And als declaris, that this act on na wiſe ſall prejudge onie partie to perſew for divorcement, for the crymes of adulterie before committed, conforme to the Law.

75. *Raiſing of bands of men of weir forbidden.*

IT Is ſtatute aud ordained be the Queenis Majeſtie, and the three Eſtaites in Parliament, that na maner of perſon nor perſones, of quhat-ſum-ever qualitie, Eſtaite, condition or degree they be of, lieges of this Realme, attempt to do or raiſe onie bandes of men of weir on horſe or fute, with culverings, piſtolettes, pickes, ſpeires, jackes, ſplents, ſteil-bonettes, quhite harnes, or uther munition bellical quhat-ſum-ever, for daylie, oulklie, or monethlie waiges in onie times to-cum, without ſpeciall licence in writ had, and obteined of OUR SOVERAINE LADIE and her ſucceſſours theirto, under the

the paine of death, to be execute upon the raiſeris of the ſaidis bands, as alſwa upon them, that convenis and ryſis in bands.

76. *Anentis the reparrelling and uphalding of Paroche Kirkes and of Kirk-zairdes of the ſamin, for burial of the dead.*

IT Is ſtatute and ordained for uphalding and reparrelling of the Paroche Kirkes and Kirk-zairdes of the ſamin, for burial of the dead within this Realme, that the Lordes of ſecreit Councell put ordour thereto, and adviſe and conſult how the ſamin ſall be done and uphalden in times to-cum. And quhat-ſum-ever ordour that they ſall happen to take for reparrelling and uphalding of the ſaidis Kirkes and Kirk-zairdes thereof: The Queenis Majeſtie, with the adviſe of the three Eſtaites of this Realme in this preſent Parliament, hes declared, and declaris, that quhat-ſum-ever ordour beis maid and ſet foorth be the ſaidis Lordes of ſecreit Councell, and execution to be declaired be them thereupon, to be ſufficient, and of als greit ſtrength and effect, as and the ſamin had bene expreſly conteined in this preſent act.

77. *Anent tennents, and uther lauchfull poſſeſſoures of Kirk-landes, and ſetting of fewes of the ſamin Kirk-landes for the ſpace of three zeires hereafter.*

THE Queenis Grace havand conſiddered the grievous complaintes maid to her Hienes be the lauchfull poſſeſſours, occupyares and tennentes of the Kirk-lands, and that divers of the lieges of this Realme hes taken fewes of the ſaidis Kirk-lands, ſen the ſext day of Marche, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, and hes warned them, and intends to warne, be vertew of the ſaidis fewes or lang tackes the lauchfull and kindlie poſſeſſours of the ſaidis Kirk-lands to remove: For remeid hereof: Her Hienes with adviſe of the three Eſtaites in this preſent Parliament, hes ſtatute and ordained, that na kindlie lauchfull poſſeſſour, tennent or occupyer of onie of the ſaidis Kirk-lands, be removed fra their kindlie rowme, ſteading, or poſſeſſion be the alleged fewares or takers of the ſamin in lang tackes, ſen the ſaid ſext day of March, the zeir of God, ane thouſand, fiye hundreth, fiftie aucht zeires: Bot that the lauchfull poſſeſſoures, tennentes and occupiers of the ſaid Kirk-lands, may bruke and joyis their ſaidis tackes, rowmes, and poſſeſſions, but violence of onie zeiris by-gane, be warning to remove, be onie of the ſaid alleaged titles of fewes or lang tackes, ſet ſen the ſext daye of March, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, or be onie warning to be maid be vertew of the foreſaidis titles hereafter, unto the Feaſt of *Whit-ſunday*, the zeir of God, ane thouſand, five hundreth, three ſcoir ſex zeires, without licence of our ſaid Sovereine Ladie els obteined, or to be obteined in writ their-upon. And never-the-leſſe that the ſaidis occupyars, kindlie tennentes and poſſeſſoures pay their mailles, fermes and dewties, according to their tackes, or uſe of payment of before, and attoure it is in likewiſe ſtatute and ordained be the Queenis Grace, with adviſe of the Eſtaites foirſaides, that na Elect, Poſtulat, Arch-biſhoppe, Biſhoppe, Abbot, Priour, Commendatar, Prioreſſe, Dean, Archedean, Parſon, Vicar, or uther perſon bruikand benefices, or pretendand themſelves to bruik the ſamin, as Kirk-men of quhat-ſum-ever eſtate, degree or condition they be of, within this Realme; ſet fra thine furth ony of their Kirk-landes in few or lang tackes, to ony perſon or perſones, for the ſpace of three zeires nixt to-cum, *Videlicet*, unto the Feaſt of *Whit-ſundaye*, the zeir of God, ane thouſand, five hundreth, threeſcore ſex zeires, without the Queenis Grace licence elſe obteined, or to be obteined in writ their-upon.

78. *Anent the admiſſion of Notares, and prorogation of the ſamin.*

ITEM, For-ſa-meikle as it was ſtatute and ordained of before, be ane act maid in the Parliament halden at *Edinburgh* the xxij. daye of Junij, the zeir of God, ane thouſand, five hundreth, lv. zeires, that all Notars within this Realme, baith Spiritual and Temporal, ſuld have bene cauſed to cum be their Ordinares and Schireffes, Stewardes, Baillies, *reſpective*, to the Burgh of *Edinburgh*, there to have compeired perſonallie before the Lordes of Councell, or that the ſaidis Lordes ſuld direct their letters, requiring and chargeing all Notares within this Realme, to compeir before them, as ſaid is, bringing with them their creationes and haill protocolles, betuixt the ſaid xxij. day of Junij, and the Feaſt of *Whit-ſunday* nixt thereafter, at ſik dayes, as ſuld be aſſigned and appoynted be the ſaidis Lordes, to be examined, and their creationes viſied be them, their protocolles produced, to be marked be the Lords, and the leaves numbred, and the blankes in likewiſe to be marked, and the ſaidis protocol buikes not to be ſene, nor red, bot to be marked in preſence of the Notar and delivered againe to him, but onie inſpection: And as they war fundin qualified, to be admitted be the Lordes of Councell, to uſe office of Notarie thereafter: And that na Notar, be quhat-ſum-ever power he be creat, uſe the office of Notarie, within this Realme thereafter, bot gif he firſt preſented himſelfe to the ſaidis Lordes, ſchawand his creation, and be admitted be them as qualified theirto: And that na Notares, that ſuld happen to be diſcharged be the ſaidis Lordes, or not admitted be them, thereafter ſulde uſe the office of Notarie, under the paines after ſpecified. And attour it was ordained, that all Notares to be admitted, as ſaid is, givand Inſtrumentes and requirand witnes thereto, they ſuld require the ſaids witneſſes, quhair they dwelt, or ſum uther evident taikin of them, and inſert the ſamin in their ſaid Inſtrumentes, that the witneſſe maie be knawen, being preſent at that time. Further, gif onie Notar beis convict

of

of falſet, or not admitted be the Lords in maner foreſaid and uſe the office of Notarie, they ſall be puniſhed, as ſaid is, that is to ſay, their haill moveabil gudis to be eſcheitted and applyed to our Soveraine Ladies uſe, and they to want their richt hand, and to be baniſhed the Realm for ever. And further, ſuld be puniſhed to the tinſell of their life *incluſive*, as the qualitie of the cauſe required, be ſicht and diſcretion of the Judge, And the cauſers of the falſettes to be done, to receive the ſamin punition in their perſones and gudes: And becauſe in ane uther act, maid be our Soveraine Ladie in the Parliament foreſaid, all Notares were ſuſpended to the laſt day of March thereafter, unto the time of their admiſſion be the Lordes foreſaids, it being conſiddered, that the ſaid act tuike not then dew execution: Therefore the Queenis Grace with adviſe of the three Eſtaites, diſpenſed and ſupplied onie fault be that part of the ſaid act, and all inſtrumentes given ſenſyne and thereafter, unto the Feaſt of *Whit-ſunday* nixt after the dait of the ſaid act, as at mair length is conteined in the ſamin: And it being now underſtandin to the Queenis Majeſtie, and the three Eſtaites of this Realme, in this preſent Parliament, that the ſaid act hes not bin dewlie obſerved nor univerſallie cum in uſe, and that be reaſon the ſamin came not to the knawledge of the haill lieges of this Realme, quhair-throw thay may be prejudged and hurt be taking and receiving of ſik inſtrumentes, by the tenour of the foreſaid act, therefore and for uther reaſonable conſiderationes, the Queenis Hienes and the three Eſtaites foreſaidis, hes diſpenſed and diſpenſis with the ſaid act, and declairis all Inſtrumentes, tane and maid be quhat-ſum-ever Notar or Notares, ſen the dait of the ſaid act, to be ſufficient and vailzeable in the ſelfe, ſwa the ſaid Inſtrumentes be maid be loyal Notares, not improven nor defamed, before the making of ſik-like Inſtrumentes, like as her Majeſtie and Eſtaites foreſaidis diſpenſes with the ſamin act and contentes theirof, anent all Inſtrumentes maid in onie times by-gane be loyal Notares, as ſaid is, ſen the twentie twa daye of Junij, the zeire of God foreſaid, and to be maid hereafter, quhill the firſt day of March nixt to cum, in this inſtant zeir of God, ane thouſand, five hundreth, threeſcore three zeires. And in the meane time ordainis letters to be direct to command and charge all Notares, quhilk are not as zit examined, and admitted be the Lordes of Councell, according to the tenour of the ſaid act, be open proclamation at the mercat croce of the head Burrowes of all Schires, within this Realme, to compeir within the Burgh of *Edinburgh*, and there to be examined be the ſaides Lordes in maner foreſaid, betuixt and the ſaid firſt daye of March nixt to-cum, with certification to them and they failzie, the pains conteined in the ſaid acte ſall be execute upon them with all rigour, and all Inſtrumentes taken in Notares handes not admitted and examined be the ſaidis Lordes, before the ſaid day to be null and of nane availe, and to have na faith thereafter.

79. *All Notares ſuld be preſented be the Queene, and admitted be the Lordes of Seſſion.*

ITEM, Becauſe our Soveraine Ladies lieges are greatumlie hurt be unworthy and in ſufficient Notares, not qualified, as effeiris to be, in making of Inſtrumentes and uthers writtinges, according to their office: IT Is ſtatute and ordained be our Soveraine Ladie, with the adviſe of the three Eſtaites, that na perſon tak upon hand to uſe nor exerce the office of Notarie, be na maner of creation, to be maid in onie time to-cum fra this day furth, under the paine of death, without they be maid and creat be the Queenes Majeſties ſpecial letters, and theirafter examined and admitted be the Lordes of Seſſion and College of Juſtice, quha ſall tak their aithes for dew and lauchfull uſing of the ſaid office of Notarie, and cauſe regiſter their ſigne and ſubſcription, quhilk they ſall uſe in all times after their ſaid admiſſion. And gif onie perſon or perſones, attemptis or dois in contrair heirof, in creating or making Notares, or uſing of the ſaid office utherwaies nor ſaid is, they ſall be puniſhed to the death, and their inſtrumentes, nor notes to mak na faith.

80. *Anent giving of ſaiſinges.*

ITEM, For-ſa-meikle as in umquhile our Soveraine Ladies deareſt Fathers time that laſt deceaſed, It was ſtatute and ordained, that all ſaiſinges, quhilkis paſſis upon precepts of the Chancellarie, to be given be the Schireffe Clerk or his deputes: Sen the quhilk acte, there is be occaſion of weires and great troubles, divers ſaiſings given be uthers Notars, upon preceptes paſt furth of the ſaid Chancellarie: Therefore our Soveraine Ladie, with adviſe of the three Eſtaites of Parliament, diſpenſed with that fault of all ſaiſinges given be uthers Notares, ſen the making of the foreſaid acte, and ordained the ſaid acte to be publiſhed and have effect in times cumming, with this addition, that upon all precepts paſt foorth of the Chancellarie, the Schireffe, Steward, or Baillie, alſweill Regalitie as Royaltie, or their deputes, ſuld be required to paſſe and give ſaiſinges with the Schireffe Clerk, and his Deputes, and gif the Schireffe, Steward, or Baillie, or their deputes, refuſed to paſſe and give the ſaiſing, then the party, haver of that precept, to put ony uther Baillie to give ſaiſing as he ſall think maiſt expedient, as at mair length is conteined in the ſaid acte, of the dait the twenty daie of *Junij*, the zeir of God, ane thouſand, five hundreth, fiftie five zeires: And now the Queenis Grace and the three Eſtaites of this Realme underſtandand that the ſaid acte hes not bene dewlie obſerved nor univerſallie cum in uſe, and that be reaſon the ſamin comes not to the knawledge of the haill lieges of this Realme, quhair-throw they may be prejudged and hurte be taking of ſik ſaiſinges, by the ordour of the ſaid acte: Therefore, and for uther reaſonabill conſiderations, the Queenis Hienes and the three Eſtaites foreſaidis, hes diſpenſed, and diſpenſis with the ſaid acte, and declaris all ſaiſinges tane and given be quhat-ſum-ever perſon

or perſones, ſen the dates of the ſaides actes *reſpective*, be authentick Notares, to be ſufficient and vailzieabill in the ſelfe, ſwa that the Notares givers theirof be loyal, not improven nor defamed before the giving of ſik ſaiſinges, like as her Majeſtie and Eſtaites foreſaidis, diſpenſis with the ſamin acte and contentes thereof, anent all ſaiſinges tane in ony times by-gane, the Clerkes and Notares thereof, beand loyal, as ſaid is, ſen the ſaid twentie day of *Junij*, in the zeir of God foreſaid, and to be maid hereafter, quhill the firſt daie of *March*, nixt to-cum, in this inſtant zeir of God, ane thouſand, five hundreth, three-ſcoire three zeires.

81. *Anent reſignationes maid* ad perpetuam remanentiam.

ITEM, For-ſa-meikil as it was ſtatute and ordained of before be ane acte maid in the Parliament halden at *Edinburgh*, the twentie daie of *Junij*, the zeir of God, ane thouſand, five hundreth, fiftie five zeires, that all reſignationes to be maid be vaſſalles of their proprieties in the ſuperiours hands, *ad perpetuam remanentiam*, being maid be procuratorie, the ſaid procuratorie ſulde bee ſealed and ſubſcrived bee the vaſſalles hands, and gif he coulde not write to be ſubſcrived with his awin hand at the pen, led be ane authentick Notar, and ſealed with his ſeale, and 'gif the ſaid reſignation beis maid be the vaſſal perſonallie, *ad perpetuam remanentiam*, that the inſtrument theirof be ſealed with the ſeale of the reſigner, and ſubſcrive with his awin hand, and gif he cannot write, to be ſubſcrived with his hand at the pen, led be ane Notar in maner foreſaid, and na reſignation *ad remanentiam* to have ſtrength in times to cum, utherwais nor is abone ſpecified: And it being now underſtand to the Queenis Majeſtie, and the three Eſtites of this Realme, that the ſaid act hes not bene dewlie obſerved, nor univerſally cum in uſe, and that be raſon the ſamin came not to the knawledge of the haill Lieges of this Realme, quhair-throw they ma be prejudged and hurt in making and receiving of ſik reſignationes, be the tenour of the foreſaid Acte: Terefore, and for uther reaſonable conſiderationes, the Queenes Hienes and the three Eſtaites foreſaides hes diſpenſed, and diſpenſis with the ſaid acte, and declaris all reſignationes maid in the ſuperiours hades, be quhat-ſum-ever vaſſal, tennent or uther perſon *ad perpetuam remanentiam*, ſen the dait of the ſaid act, to be ſufficient and vailzieable in the ſelfe, not-with-ſtanding the ſaid acte, ſwa that the ſamin ma be verified and provin to have bene maid be inſtruments, or uther authentick writtinges, or ſufficient robation, that wald have maid faith and ſufficient and lauchfull verification theirof, be the uſe and cuſuetude of this Realme, obſerved and keiped in ſik-like caſe, anent the making of reſignationes *ad erpetuam remanentiam*, before the making of the ſaid acte, like as her Grace and Eſtaites foreſaides diſpenſis with the ſaid acte and contentis theirof, anent all reſignationes *ad remanentiam* maid in ote time by-gane, ſen the ſaid xx. day of *Junij*, and to be maid hereafter, quhill the firſt daye of *March*, ixt to-cum, in this inſtant zeir of God, ane t uſand, five hundreth, threeſcore three zeires.

82. *That five or ſex of the principal Burrowes be warned, for concluding of weir, peace, or taxationes.*

ITEM, he Queenis Grace being of will and minde, that all Proveſtes, Alder-men, Baillies, Councell and cmmunitie, and inhabitantes of Burrowes of this Realme, be rather augmented in their priviledges maid e her Grace and her predeceſſoures to them, nor diminiſhed their-intill: Hes ſtatute and ordained be e adviſe of the three Eſtaites of this preſent Parliament, that five or ſex of the principalls, Proveſtes, Alder-men, and Baillies of this Realme, ſall in all times to-cum be warned to all conventiones hat ſall happen the Queenis Grace and hir ſucceſſoures to conclude upon peace or weir, with quhat-ſu-ever her Hienes confederates, or Enemies, or making or granting of generall taxationes of this ealme. And that her Hienes or Councell, ſall not conclude nor decerne upon peace, weir, nor taxtiones foreſaidis, without five or ſex of the ſaidis principalles, Proveſtes, Aldermen, and Baillies of Burovs be warned theirto lauchfullie, as effeiris.

83. *Anent the ſtancheing of tumultes within Burrowes.*

ITEM, It is ſtatte and ordained be our ſaid Soveraine Ladie, with adviſe of the three Eſtaites foreſaidis, for ſtanching and ppreſſing of tumultes, uproares and troubles, that hes happened within Burrowes in all times by-paſt: Tat nane of our Soveraine Ladies Lieges preſume, pretende, or take upon hand to make onie privie conentiones nor aſſemblies within Burgh, put on armour, cleeith themſelves with weapones or make ſoun of Trumpet or Talbrone, or uſe culveringes, diſplayed banners, hand ſeinzeirs, or uthers inſtruments bellic quhat-ſum-ever, in onie time heireafter, without the ſpecial licence of our ſaid Soveraine Lady, and her Hienes Magiſtrates within the Burgh, quhair the ſaid tumult and uproare chauncis to be, had and obteined thrto, under the paine of death: Providing, that the raiſing and convening of the inhabitants of the ſaidis Browes be the Magiſtrates, for execution or repreſſing of malefactours be Juſtice, be not comprehend under this acte.

84. *That na coales be had furth of the Realme.*

ITEM, Our Soveraine Ladie and Eſtaites foreſaides, havand conſideration of the great multitude of coales continuallie caried furth of this Realme, not onlie be ſtrangers, bot alſwa be the lieges and inhabitantes of the ſamin, quhilk is now becummin the commoun ballaſt of emptie Schippes, and gives occaſione of maiſt exorbitant dearth, and ſcantneſſe of fewall within the ſamin: Therefore it is ſtatute and ordained, that na maner of perſon, ſtranger nor liege, nor inhabitants in this Realm, take upon hand to tranſport, carie or tak furth onie coales be Schippe, Crayer or onie bait, or uther veſſell quhat-ſum-ever, in onie time hereafter, under the paine of tinſell and confiſcation of the Schip, coales and all the guds that the awner of the coales hes within the ſaid Schip, to our ſaid Soveraine Ladies uſe, except ſa monie as are neidfull for fire during the time of their voyage.

85. *That beiff and mutton cum to the mercat with skin and birne.*

ITEM, It is ſtatute and ordained be our ſaid Soveraine Ladie with adviſe of the three Eſtaites foreſaides: That all beiff, muttoun, veale and like beſtial, ſlaine to land-wart, and Burgh, or preſened to free Burrowes or free mercattes, bring with them in all times cumming their hide, skin, and birne, under the paine of confiſcation, and eſcheitting of ſik-like beſtial, and gudes, as wantis the ſaid hide, skin and birne, to be applyed to our Soveraine Ladies uſe.

86. *The ratification of the priviledges of Burrowes.*

ITEM, Our ſaid Soveraine Ladie, with adviſe of hir ſaidis three Eſtaites in this preſent Parliament, ratifies, apprievis, and confirmis all actes of Parliament, ſtatutes, priviledges, and immunies quhat-ſum-ever given and granted be our ſaid Soveraine Ladie, or uthers her predeceſſoures quhat-ſur-ever, in favoures of the Burrowes, Proveſtes, Aldermen, Baillies, Communities, and indwellers within the ſamin, with all letters and executorialles, that hes paſt or may paſſe theirupon, givand expreſſ command be thir preſentes, to the Lordes of our Soveraine Ladies College of Juſtice and Seſſion, to give and direct ſik reaſonable letters, as they or onie of them will deſire, or hes had of before: Commanding and chargeing all our Soveraine Ladies lieges and ſubjectes, that nane of them take upon hand to attempt, or pretend to attempt, violate or breake the foreſaides Lawes, actes of Parliament, ſtatutes, ordinances, nmunities, or uthers priviledges quhat-ſum-ever, given and granted in favoures of the ſaides Burrowes, under the paines conteined in the ſamin, and under all paine and offenſe, that they and everie ane of them may incur, againſt our Soveraine Ladies authority royal their-throw.

FINIS.

THE TENTH

PARLIAMENT

OF

MARIE, QUEENE OF SCOTLAND,

Halden at Edinburgh, *the fifteene day of December, the zeir of God, ane thouſand, five hundreth, and ſextie foure zeires.*

87. *Declaration of our Soveraine Ladies perfite age.*

ANENT The artickle proponed to the Queenis Majeſtie and to the Lordes of the Artickles, makand mention of ane acte of Parliament, maid be King James the Second of gude memorie, of the dait, the twentie daie of *March*, the zeir of God, ane thouſand, foure hundreth, thirty ſeven zeires, and of ane uther acte maid be King James the fourth in his Revocation, makand mention of xx zeires of his age, of the dait the fifteene day of *Februar*, the zeir of God, ane thouſand foure hundreth, foureſcore nine zeires, like as the ſaidis actes *reſpective*, at mair length proportis: Deſirand therefore the ſaides Lordes of artickles to declair the ſaide actes and uthers actes following, anent the lauchfull and perfite age of the Prince, gif it be at xxj. zeires compleit: Quha hes declared

claired and declairis, that the Queenis Majeſties predeceſſoures, Kinges of this Realme, wer be the ſaides actes halden of lauchfull and perfite age at xxj. zeires compleit, like as her Hienes being of xxj. zeires of age compleit, is of perfite and lauchfull age, Swa that her Hienes Predeceſſoures, and ſucceſſoures, after the ſaid age of xxj. zeires, compleit, micht have done and may do all thinges, that thereafter ane Prince of lauchfull and perfite age, micht have done, or may doe of the Lawe.

88. *Anent the confirmation of fewes.*

THE Quhilk day the Queenis Majeſtie, having conſiddered the earneſt ſute of her ſubjectes, maid to hir Hienes, for her Grace's confirmation to be obteined upon infeftmentes of few-ferme of the Kirk-landes ſet be the Prelates of her Hienes Realme, ſen the aucht daie of *March*, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, in time of trouble, contrair the tenour of her Graces letters of inhibition, publiſhed and proclaimed in diverſe partes of her Realme, and als of uthers infeftmentes of Kirk-lands obteined before the ſaid aucht daie of *March*, and now is adviſed, and intendis to grant ſik confirmationes, willing that the ſamin be ſure to ſik as ſall obteine them: Therefore her Hienes with adviſe of her three Eſtaites in Parliament, will's, grantis, ſtatutis and ordainis that all confirmationes to be granted be her Majeſtie of the ſaid infeftmentes, ſall be als lauchfull, and of als great ſtrength and availe, as gif the ſamin had bene obtained and purchaſed fra the Pape or ſate of Rome, and of als great ſtrength and effect, as onie uther confirmationes of ſik infeftmentes obteined be onie uthers perſones within this Realme, be authoritie of the Pape, or ſate Apoſtolick in onie times by-gane: Providing that the infeftmentes of Kirk-landes obtained be onie perſon or perſones, ſen the ſaid aucht daie of *March*, not dewlie confirmed be hir Hienes, be of nane availe, force, nor effect.

FINIS.

ANE TABLE

Of the

PARTICVLAR ACTS and uthers omitted in the Parliamentes maid be QVEENE MARIE.

V. Parliament. 1. Februar. 1551.

THE Declaration of the Lord Angus.
Anent curſed perſones that compellis Prieſtes to ſay meſſe in their preſence.
Anent Malt-makers.
Anent Beggers.
Anent ſlaying of Daes, and Raes.
Anent packing and peilling.
Anent fore-ſtallers.
Anent the having of quhite fiſhe furth of the Realme.
Anent Monſieur Doſell.
Ratification of the contract maid betuixt the Lord Governour and Sir James Hammiltoun.
Ratification of the act maid betuixt the Queenis Grace and the Lord Governour.

VI. Parliament. 20. Junij. 1555.

Anent the libertie of halie Kirk.
The acte maid anent the ſlauchters of parties in perſute and defence of their actiones and cauſes.
Anentis all meaſouris and weichtes.
Anentis Lambes.
Anentis ferriares.
Anentis the ſlauchter of powtes and pertricks &c.
Anentis planting of wooddes, Parkes, Forreſtes and Orchardes.
Anentis Beggers.

VII. Parliament. 14. December. 1557.

The diſpoſition of the wards mariages, non-entreſſes, benefices, tackes and ſteadings vaikand throw their deceis.
Na proces to be led againſt them during their ſervice.

IX. Parliament. 4. Junij. 1563.

For eſchewing of dearth of vivers and victualles.
Anentis meaſures and weichtes.
Anentis ſchutting wilde beaſtes, and foules.
Anent the letters of Marque.
Ane proviſion to be maid for the inſtruction of the zouth.
For ſending ane Ambaſſadour to the King of Denmarke.

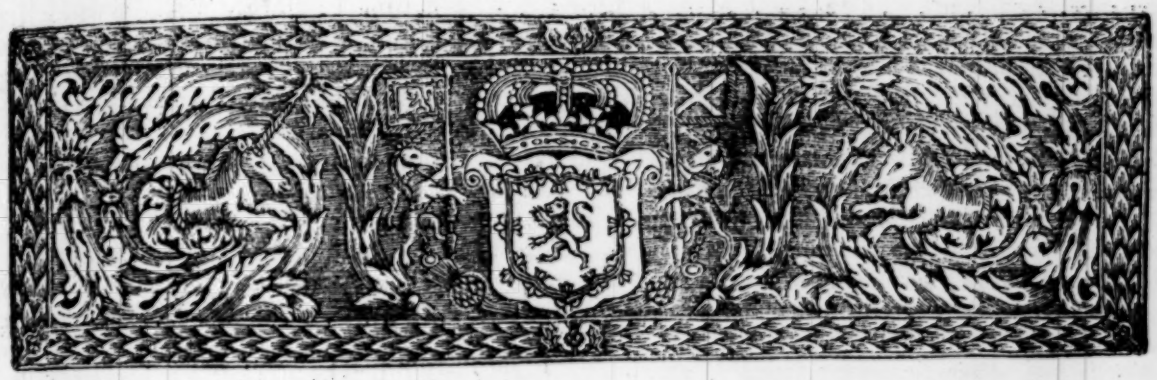
FINIS.

THE





IACOBVS. VI REX SCOTORVM,



THE FIRST

PARLIAMENT

OF

KING JAMES THE SEXT,

Halden at Edinburgh *the XV. day of December*, 1567. *Be* JAMES Earle *of* MURRAY, *&c. Regent to this Realme and Liegis.*

1. *Anent the conſtitution of* James *Earle of* Murray *in Regent, to our Soveraine Lord, his Realme and Liegis.*

ITEM, It is foundin, declared, and decerned be our Soveraine Lord, with adviſe of the three Eſtaitis, and haill bodie of this preſent Parliament, that he nominatioun, conſtitutioun, and ordination of our ſaid Soveraine Lords deareſt Couſing, JAMES Earle of *Murray*, Lord *Abernethie*, in Regent to his Hienes, his Realme and Liegis thereof; during the time of his Majeſties minoritie, and leſſe age, ſpecified and expreſſed in the Queenes Majeſties Letters, under her ſubſcriptioun and privie ſeale, of the date the 24. day of Julij laſt py-paſt, togidder alſwa with the conſent and approbation of the Earles, Lordes, Prelates, Commiſſioners of Burrowes, Barronnes, and utheris faithfull ſubjects, convened and aſſembled to that effect. And the acceptation of the ſaid office of Regentrie, be the ſaide JAMES Earle of *Murray*, upon the 22. day of Auguſt laſt by-paſt, was, is, and in all times cumming ſall be halden, repute, & eſtee medlawfull, ſufficient, and perfite. And all and whatſumever things, quhilks he hes done be vertew of his ſaid office of Regentrie, ſen his acceptatioun thereof, or quhilks he ſall do hereafter, in our ſaid Soveraine Lords name and authoritie, during the time of his hieneſſe Minoritie, ſpecified in the ſaid commiſſioun and procuratioun produced, adviſed and conſidered, be the ſaid three Eſtaites, to be as dewlie, lawfullie, ſufficiently, and righteouſly done, and to have als great availl, ſtrength, force & effect, in all reſpects and conditions, as ony things done be quhat-ſumever Regents, Governours or Protectours of this Realme, in the minorities and leſſe aiges of ony uthers native Princes of the ſame. And ratifies, approvis and confirmis, the ſame nominatioun and acceptatioun, for now and in time cumming.

MARIE Be the Grace of God Queene of Scots, to all and ſindrie our Judges, & miniſters of our Lawes, liegis & ſubjects, quhom it effeiris, to quhais knawledge thir our letters ſall cum, greeting: For-ſameikle, as after lang, greate and intollerable paines, and labours taken bee us, ſen our arrivall within our Realme, for Government thereof, and keeping of the Liegis of the ſamin in quietnes, we have not onely beene vexed in our ſpirite, body, and ſenſes thereby, bot als at length are altogidder ſa wearyed thereof, that our habilitie, and ſtrength of body, is not abill langer to indure the ſamin.

THEREFOIR, and becauſe na thing earthlie can be mair comfortabill and happy to us in this Earth, nor in our liſe time to ſee our deare Sonne, the native Prince of this our Realme, placed in the Kingdome thereof, and the Crowne Royall ſet on his head, we of our awin free-will, and ſpeciall motive, have dimitted and renounced the Governement, guyding and governing of this our Realme of

SCOTLAND, lieges and ſubjects thereof, in favours of our ſaid Sonne, to that effect that in all times hereafter, he may peaceablie and quietlie enjoy the ſamin, without trouble, and bee obeyed as native King and Prince of the ſamin, be the lieges thereof. And underſtanding, that be reaſon of his tender zouth, he is not of habilitie in his awin perſoun, to adminiſtrate in his Kingly roome and governement, as equitie requyres, quhill that hereafter he come to the zeires of diſcretioun. And als knawing the proximitie of blude ſtandand betwixt us, our ſaide Sonne, and our deareſt Brother JAMES Earle of *Murray*, Lord *Abernethie*, &c. And havand experience of the natural affectioun and tenderlie love, he hes in all times borne, and preſentlie beares towardes us, honour and eſtaite of our ſaide Sonne. Of quhais love and favoure towardes him, wee cannot bot aſſure our ſelfe. To quhome na greater honour, joye, nor felicitie in earth can come, nor to ſee our ſaide Sonne inaugurate in his Kingdome, feared, reverenced and obeyed be his lieges thereof. In reſpect quhairof, and of the certaintie, and notorietie of the honeſtie, habilitie, qualificatioun and ſufficiencie of our ſaide deareſt Brother, to have the cure and regiment of our ſaid Sonne, Realme and lieges foreſaids, during our ſaide Sonnes Minoritie: Wee have made, named, appointed, conſtitute, and ordained, and be thir our Letters, names, appointes, makes, conſtitutes and ordainis our ſaid deareſt Brother JAMES Earle of *Murray*, Regent to our ſaide deareſt Sonne, Realme, and lieges foreſaids, during his Minoritie and les age, and ay and quhill he be of the age of ſeventene zeirs compleit. And that our ſaid Brother be called during the ſaid ſpace, Regent to our ſaid Sonne, his Realme and Lieges. Swa that our ſaid Sonne, after the compleeting of the zeiris foreſaidis, in his awin perſoun, may tak upon him the ſaid government, and uſe and exerce all and ſindrie priviledges, honouris and utheris immunities, that appertainis to the office of a King, alſweill in governing his Realme and people, according to the Lawis, as in repreſſing the violence of ſik as wald invaid, or injuſtlie reſiſt him or them, or his Authoritie royall: With power to our ſaid deareſt Brother JAMES Earle of *Murray*, in Name, Authoritie and behalfe, of our ſaid maiſt deare Sonne, to receive reſignatiounis of quhat-ſum-ever Lands halden of him, or zit of Offices, Caſtelles, Towres, Fortalices, Mylnes, Fiſchings, Woods, Benefices, or pertinentis quhat-ſum-ever: the ſamin againe in our ſaid Sonnes Name, to give and deliver: ſignatouris thereupon, and upon the giftis of Wairdes, non-entreſſis, and relevis of Landis, and Marriages of Airis falland, or that ſall happen to fall in our ſaid Sonnes hands as ſuperiour thereof. And als upon preſentatioun of Lands, Benefices, Eſcheitis of guddis movabill and un-movabill, debtis and takkis, reſpittis, remiſſiounis, ſuperſedereis, and upon the diſpoſitioun of Offices vacand, or quhen thay ſall happen to vaik, to ſubſcrive, and cauſe be paſt the feillis. The ſaid office of Regentrie, to uſe and exerce in all thingis, priviledges, and commodities, ſik-like als freely, and with als great libertie, as ony Regent or Governour to us, or our Predeceſſouris uſed in ony times by-gane, and ſik-like as gif every head, priviledge and Artickle, concerning the ſaid Office, were at length expreſſed and amplified in thir our Letters. PROMISAND to hald firme and ſtabill, in the word and faith of ane Prince, quhat-ſumever things our ſaid deareſt Brother in the premiſſis happinnis to doe. Chargeing heirfore zou all and ſindrie, our Judges and Miniſters of Law, Liegis and ſubjectis foirſaidis, to anſwer aud obey to our ſaid deareſt Brother, in all and ſindrie things, concerning the ſaid office of Regentrie, as ze and ilk ane of zou, will declair zou loving ſubjectis, to our ſaid maiſt deare Sonne, and under all paine, charge and offenſe, that ze and ilk ane of zou may commit and inrinne, againſt his Majeſtie in that part. Subſcrived with our hand, and given under our privie ſeill, At *Lochlevin* the 24. day of Julij, And of our Reigne, the twentie five zeir.

2. *Anent the aboliſching of the Pape, and his uſurped authoritie.*

ITEM, Our Soveraine Lord, with adviſe of his deareſt Regent, and three Eſtaitis of this preſent Parliament, ratifyis and approvis the Act under written, maid in the Parliament haldin at *Edinburgh* the 24. day of Auguſt, the zeir of God 1560 zeiris. And of new in this preſent Parliament, ſtatutis and ordainis the ſaid Act to be as ane perpetuall Law, to all our Soveraine Lordis Lieges, in all times cumming. Of the quhilk the tenour followis. ITEM, the three Eſtaites underſtanding that the juriſdiction and authoritie of the Biſchop of *Rome*, called the Pape, uſed within this Realme in times by-paſt, hes not onely bene contumelious to the Eternall God, but alſo very hurtfull and prejudiciall to our Soveraines authoritie, and commoun weill of this Realme: THEIRFOIR It is ſtatute and ordained, that the Biſchop of *Rome*, called the Pape, have na Juriſdictioun nor authoritie within this Realme, in ony time cumming. And that nane of our ſaid Soveraines ſubjects, in ony times heiraſter, ſute or deſire title or richt of the ſaid Biſchop of *Rome*, or his ſect, to ony thing within this Realme, under the paines of Barratrie, that is to ſay, proſcription, baniſhment, and never to bruike honour, office, nor dignitie within this Realme. And the contraveners heirof to be called before the Juſtice or his deputes, or before the Lords of the Seſſion, and puniſched therefoir, conforme to the Lawes of this Realme. And the furniſchers of them, with finance of money, and purchaſſers of their title of right, or maintainers, or defenders of them, ſall incurre the ſamin paines. And that na Biſchop nor uther Prelat of this Realme, uſe ony Juriſdiction in time cumming, be the ſaid Biſchop of *Romes* authoritie, under the paine foirſaid. And therefore of newe decernis and ordainis, the contraveners of the ſamin, in ony time hereafter, to be puniſhed according to the paines in the foreſaid Act above rehearſed.

3. *Anent*

3. *Anent the annulling of the Actes of Parliament, made againſt God his word, and maintenance of Idolatrie in ony times bypaſt.*

ITEM, Our Soveraine Lord, with adviſe of his deareſt Regent, and three Eſtaites of this preſent Parliament, ratifyis and apprevis the Acte under-written, made in the Parliament haldin at *Edinburgh*, the 24. day of Auguſt, the zeir of God, ane thouſand, five hundreth, threeſcore zeires. And of new in this preſent Parliament ſtatutis and ordainis the ſaid Act, to be as a perpetuall Law to all our Soveraine Lordis liegis in all times cumming. Of the quhilk the tenour followis. THE quhilk day, For-ſameikle as there hes beene divers and ſindrie Acts of Parliament, made in King JAMES the Firſt, Second, Thrid, Fourth and Fifth's times, Kinges of SCOTLAND for the time, and als in our Soveraine Ladies tyme, not agreing with Gods haly word, and be them divers perſones tuke occaſion to maintaine Idolatrie and ſuperſtition within the Kirk of GOD, and repreſſing of ſik perſones, as were profeſſours of the ſaid word, quhairthrow divers innocents did ſuffer. And for eſchewing of ſik inconvenientes in time cumming, the three Eſtaites of Parliament, hes annulled, and declared all ſik Acts made in times bypaſt, not agreing with God his word, and now contrary to the Confeſſion of Faith, according to the ſaid word, publiſhed in this Parliament, to be of nane availe, force nor effect. And decernis the ſaid Acts, and every ane of them, to have na effect nor ſtrength in time to cum, bot the ſamin to be aboliſhed and extinguiſhed for ever, in ſa far as any of the foirſaidis Acts are repugnant, and contrarie to the Confeſſioun of Faith, and word of GOD foirſaid, ratifyed and approved be the Eſtaites in this preſent Parliament. And therefore decernis and ordainis, the contraveners of the ſamin Act, in ony time hereafter, to be puniſched, according to the Lawes. Of the quhilk Confeſſion of the Faith, the tenour followes.

THE CONFESSION *Of the* FAITH AND DOCTRINE,

Beleeved and Profeſſed be the Proteſtantes of *SCOTLAND*, exhibited to the Eſtatis of the ſame in Parliament, and be their publick votis authorized, as a doctrine grounded upon the infallible Word of God.

1. *Of God.*

WE confeſſe and acknawledge ane onely GOD, to whom onelie we muſt cleave, whome onelie we muſt ſerve, whom onelie we muſt worſhip, and in whom onelie we muſt put our truſt. Who is Eternall, Infinit, Unmeaſurable, Incomprehenſible, Omnipotent, Inviſible, ane in ſubſtance, and yet diſtinct in three perſonnis, the Father, the Sonne, and the Holie Ghoſt. Be whom we confeſſe and beleeve all thingis in heaven and earth, aſwell Viſible as Inviſible, to have bene created, to be reteined in their being, and to be ruled and guyded be his inſcrutable Providence, to ſik end, as his Eternal Wiſdome, Goodnes, and Juſtice hes appoynted them, to the manifeſtatioun of his awin glorie.

Deut. 6. 4. 1 Cor. 8. 6. Eſai. 44. 5. 6. 1 Tim. 1. 17. 1 Kin. 8. 27. 2 Chr. 6. 18. Pſal. 139. 7, 8. Gen. 17. 1. 1 Tim. 6. 15. 16. Exod. 3. 14, 15. Prov. 16. 4.

Mat. 28. 19. 1 John 5. 7. Gen. 1. 1. Heb. 11. 3. Act. 24. 28.

2. *Of the Creatioun of man.*

WE confeſſe and acknawledge, this our GOD to have created man, to wit, our firſt Father *Adam*, to his awin Image and ſimilitude, to whome he gave wiſdome, Lordſhip, Juſtice, Free-will, & cleir knowledge of himſelfe, ſa that in the haill nature of man, there culd be noted no imperfectioun. Fra quhilk honour and perfectioun, man and woman did both fall: the woman being deceived be the Serpent, and man obeying the voyce of the woman, both conſpyring againſt the Soveraine Majeſtie of GOD, who in expreſſed words had before threatned death, gif they preſumed to eat of the forbidden tree.

Gen. 1. 26. 27, 28, &c. Coloſ. 3. 10. Eph. 4. 24. Gen. 3. 6. Gen. 3. 17.

3. *Of Originall ſinne.*

BE Quhilk tranſgreſſioun, commounlie called Originall ſinne, wes the Image of God utterlie defaced in man, and he and his poſteritie, of nature, become Enimies to GOD, ſlaves to Sathan, and ſervandis unto

Pſal. 51. 5. Rom. 5. 12. Rom. 7. 5.

2 Tim. 2. 26. Eph. 2. 1, 2, 3. Rom. 5. 14, 21. Rom. 6. 23. John 3. 5. Rom. 5. 1. Phil. 1. 29.

unto ſin, in ſameikle that death everlaſting hes had, and ſall have power and dominioun, over all that have not been, ar not, or ſall not be regenerated from above, quhilk regeneratioun is wrocht be the power of the holie Ghoſt, working in the hartes of the elect of God, ane aſſured faith in the promiſe of God, reveiled to us in his word, be quhilk Faith we apprehend Chriſt Jeſus, with the graces and benefites promiſed in him.

4. *Of the Revelation of the promiſe.*

Gen. 3. 9. Gen. 3. 15. Gen. 12. 3. Gen. 15. 5, 6. 2 Sam. 7. 12, 13. Eſai. 7. 14. Eſai. 9. 6. Hag. 2. 6, 7. John 8. 56.

FOR This we conſtantlie beleeve, that God, after the feirfull and horrible defection of man fra his obedience, did ſeek *Adam* againe, call upon him, rebuke his ſin, convict him of the ſame, and in the end made unto him ane moſt joyfull promiſe, to wit, that the ſeed of the woman ſuld break down the Serpents head, that is, he ſuld deſtroy the works of the devill. Quhilk promiſe, as it was repeated, and made mair cleare from time to time: ſo was it imbraced with joy, and maiſt conſtantlie received of all the faithfull, from *Adam* to *Noe*, from *Noe* to *Abraham*, from *Abraham* to *David*, and ſo foorth to the incarnatioun of Chriſt Jeſus, all (we meane the faithfull Fathers under the Law) did ſee the joyfull daie of Chriſt Jeſus, and did rejoyce.

5. *The continuance, increaſe, and preſervatioun of the Kirk.*

Ezech. 6. 6, 8, 9, &c. Gen. 12. 1, 2. Gen. 15. 7. Exod. 1. 1, 20. Joſh. 1. 3. & 23. 4. 1 Sam. 10. 1. 2 Sam. 16. 13. 2 Sam. 7. 12. 2 Kin. 17. 13. 2 Kin. 17. 15, 16, &c. 2 King. 24. 3, 4, &c. Deut. 28. 36, 48. 2 Kin. 25. 1, &c. Dan. 9. 2. Ezr. 1. 1, &c. Hag. 1. 14. Zach. 3. 1.

WE Maiſt conſtantly beleeve, that God preſerved, inſtructed, multiplied, honoured, decored, & from death called to life, his Kirk in all ages fra *Adam*, till the cumming of Chriſt Jeſus in the fleſh. For *Abraham* he called from his Fathers cuntry, him he inſtructed, his ſeede he multiplied, the ſame he marveilouſlie preſerved, and mair marveilouſlie delivered, from the bondage and tyrannie of *Pharaoh*, to them he gave his Lawes, conſtitutions and ceremonies, them he poſſeſſed in the Land of *Canaan*, to them after Judges and after *Saul*, he gave *David* to be King, to whome hee made promiſe, that of the fruite of his loynes ſuld ane ſit for ever upon his Regall ſeat. To this ſame people from time to time he ſent Prophets, to reduce them to the right way of their God: from the quhilk oftentimes they declined, be Idolatry, and albeit that for their ſtubborne contempt of Juſtice, he was compelled to give them into the hands of their enimies, as befoir was threatned be the mouth of *Moſes*, in ſa-meikle that the haly Cittie was deſtroyed, the Temple burnt with fire, and the haill Land left deſolate the ſpace of lxx. zears; Zit of mercy did he reduce them againe to *Jeruſalem*, where the Cittie and Temple were reedified, and they againſt all temptations and aſſaultes of Sathan did abide, till the Meſſias came, according to the promiſe.

6. *Of the incarnation of Chriſt Jeſus.*

Gal. 4. 4. Luk. 1. 31. Mat. 1. 18. Mat. 2. 1. Rom. 1. 3. Mat. 1. 23. Joh. 1. 1, 45. 1 Tim. 2. 5.

QUHEN The fulnes of time came, God ſent his Sonne, his eternall Wiſdome, the ſubſtance of his awin glory, in this warld, quha tuke the nature of man-head of the ſubſtance of woman, to wit, of a Virgine, and that be operatioun of the holie Ghoſt: And ſo was borne the juſt ſeede of *David*, the Angel of the great Counſell of God, the very Meſſias promiſed, whome we confeſſe and acknawledge, *Emmanuel*, very God and very man, two perfit natures united, and joyned in one perſoun. Be quhilk our Confeſſioun we condemne the damnable and peſtilent hereſies of *Arrius*, *Marcion*, *Eutyches*, *Neſtorius*, and ſik uthers, as either did denie the eternitie of his God-head, or the veritie of his humaine nature, or confounded them, or zit devided them.

7. *Why it behooved the Mediator to be very God and very Man.*

Epheſ. 1. 3, 4, 5, 6.

WE Acknawledge and confeſſe, that this maiſt wonderous conjunction betwixt the God-head and the man-head in Chriſt Jeſus, did proceed from the eternall and immutable decree of God, from quhilk all our Salvation ſprings and depends.

8. *Electioun.*

Epheſ. 1. 11. Mat. 25. 34. Epheſ. 1. 21, 22. Heb. 2. 7, 8. Pſal. 22. 11. Heb. 13. 20. 1 Pet. 2. 24. & 5. 4, 25. Pſal. 130. 3. Pſal. 143. 3. 1 Tim. 2. 5. Joh. 1. 12. Joh. 14. 17. Rom. 5. 17, 18, 19. Rom. 8. 15. Gal. 4. 5, 6. Act. 17. 31.

FOR that ſame Eternall God and Father, who of meere grace elected us in Chriſt Jeſus his Sonne, before the foundation of the warld was laide, appointed him to be our head, our Brother, our Paſtor, and great Biſhop of our ſauls. Bot becauſe that the enimitie betwixt the Juſtice of God and our ſins was ſik, that na fleſh be it ſelfe culd, or might have attained unto God: It behooved that the Sonne of God ſuld deſcend unto us, and take himſelf a bodie of our bodie, fleſh of our fleſh, and bone of our bones, and ſo become the Mediator betwixt God and man, giving power to ſo many as beleeve in him to be the Sonnes of God, as himſelfe dois witneſſe. I paſſe up to my Father, and unto zour Father, to my God, and unto zour God. Be quhilk maiſt holie fraternitie, quhatſaever wee have tynt in *Adam*, is reſtored unto us againe. And for this cauſe, ar we not affrayed to call God our Father, not ſa-meikle becauſe he hes created us (quhilk we have common with the Reprobate) as for that, that he hes given to us his onely Sonne, to be our Brother, and given unto us grace, to acknawledge and imbrace him for our onlie Mediatour, as before is ſaid. It behooved

hooved farther the Meſſias and Redeemer to be very God, and very man, becauſe he was to underlie the punishment due for our tranſgreſſions, and to preſent himſelfe in the preſence of his Fathers Judgement, as in our perſon, to ſuffer for our tranſgreſſion and inobedience, be death to overcome him that was author of death. Bot becauſe the onely God-head culd not ſuffer death, neither zit culd the onlie man-head overcome the ſamin, he joyned both togither in one perſone, that the imbecillitie of the ane, ſuld ſuffer and be ſubject to death, (quhilk we had deſerved) And the infinit and invincible power of the uther, to wit, of the God-head; ſuld triumph and purcheſſe to us life, libertie and perpetual victory: And ſo we confeſs, and maiſt undoubtedly beleeve.

Heb. 2. 17, 18. 1 Pet. 3. 18. Eſai. 53. 8. Act. 2. 24. 1 Joh. 1. 2. Act. 20. 28. 1 Tim. 3. 16. Joh. 3. 18.

9. *Chriſts death, Paſſion and Burial.*

THAT Our Lord Jeſus offered himſelfe a voluntary Sacrifice unto his Father for us, that he ſuffered contradiction of ſinners, that he was wounded and plagued for our tranſgreſſiouns, that hee being the cleane innocent Lamb of GOD, was damned in the preſence of ane earthlie Judge, That we ſuld be abſolved beſoir the tribunal ſeat of our God. That he ſuffered not onlie the cruel death of the Croſſe (quhilk was accurſed be the ſentence of God) bot alſo that he ſuffered for a ſeaſon the wrath of his Father, quhilk ſinners had deſerved. Bot zit we avow that he remained the only well beloved and bleſſed Sonne of his Father, even in the middeſt of his anguiſh and torment, quhilk hee ſuffered in bodie and ſaule, to make the full ſatisfaction for the ſinnes of the people. After the quhilk we confeſſe and avow, that there remaines na uther Sacrifice for ſinne, quhilk gif ony affirme, we nathing doubt to avow, that they ar blaſphemous againſt Chriſts death, and the everlaſting purgation and ſatisfaction, purchaſed to us be the ſame.

Heb. 10. 12. 12. &c. Iſai. 53. 5. Heb. 12. 3. Joh. 1. 29. Mat. 26. 38. Deut. 21. 23. Mat. 15. 12. Gal 3. 13. Luk. 22. 42. Mat. 26. 38. 2 Cor. 5. Heb. 9. 12. Heb. 10. 3.

10. *Reſurrectioun.*

WE undoubtedlie believe, that inſameikle as it was impoſſible, that the dolours of death ſulde reteine in bondage the Author of life, that our LORD JESUS crucified, dead and buryed, quha deſcended into Hell, did ryſe againe for our Juſtification, and deſtroying of him quha wes the Author of death, brocht life againe to us, that wer ſubject to death, and to the bondage of the ſame. We knaw that his Reſurrection, wes confirmed be the teſtimonie of his verie Enemies, be the Reſurrection of the dead, quhais Sepultures did oppen, and they did riſe, and appeared to mony, within the Cittie of Jeruſalem. It was alſo confirmed be the teſtimonie of his Angels, and be the ſenſes and Judgements of his Apoſtles, and of uthers, quha had converſation, and did eate and drink with him, after his Reſurrection.

Act. 2. 23. Act. 3. 26. Rom 6. 5, 9. Act. 2. 24. Rom. 4. 25. Heb. 2. 14, 15 Mat. 28. 4. Mat. 27. 52, 53. Mat. 28. 5. Joh. 20. 27. & 21. 7. Luk. 24. 41, 42, 43. Joh. 21. 12, 13.

11. *Aſcenſion.*

WE nathing doubt, bot the ſelf ſame bodie, quhilk was borne of the Virgine, was crucified, dead, and buried, and quhilk did riſe againe, did aſcend into the heavens, for the accompliſhment of all thinges: quhere in our names, and for our comfort, he hes received all power in heaven and earth, quhere he ſittes at the richt hand of the Father inaugurate in his Kingdome, Advocate and onelie Mediator for us. Quhilk Glorie, honour, and prerogative, he alone amonges the Brethren ſall poſſeſs, till that all his Enemies be made his futeſtule, as that we undoubtedlie beleeve, they ſall be in the final Judgement: To the Execution whereof we certainelie beleeve, that the ſame our Lord JESUS ſall as viſiblie returne, as that hee was ſene to aſcend. And then wee firmely believe, that the time of refreſhing and reſtitution of all things ſall cum, in ſa-meikle that thir, that fra the beginning have ſuffered violence, injurie, and wrang, for richteouſnes ſake, ſall inherit that bleſſed immortalitie promiſed fra the beginning. Bot contrairiwiſe the ſtubburne, in-obedient, cruel oppreſſours, filthie perſonis, Idolaters, and all ſuch ſortes of unfaithfull, ſall be caſt in the dungeoun of utter darkeneſſe, where the worme ſall not die, neither zit their fyre ſall bee extinguiſhed. The remembrance of quhilk day, and of the Judgement to be executed in the ſame, is not onelie to us ane brydle, whereby our carnal luſtes are refrained, bot alſwa ſik ineſtimable comfort, that nether may the threatning of worldly Princes, nether zit the feare of temporal death and preſent danger, move us to renounce and forſake that bleſſed ſocietie, quhilk we the members have with our head and onelie Mediator CHRIST JESUS, whom we confeſſe and avow to be the Meſſias promiſed, the onlie head of his Kirk, our juſt Lawgiver, our onlie hie Prieſt, Advocate, and Mediator. In quhilk honoures and offices, gif man or Angel preſume to intrude themſelf, we utterlie deteſt and abhorre them, as blaſphemous to our Soveraine and ſupreme Governour CHRIST JESUS.

Luk. 24. 51. Act. 1. 9. Mat 29. 6. Marc. 16. 9. Luk. 24. 6. Joh. 20. 9. Mat. 28. 18. 1 Joh. 2. 1. 1 Tim. 2. 5. Pſal. 110. 1. Mat. 22. 44. Marc. 12. 36. Luk. 20. 42, 43. Act. 1. 1. Act. 3. 19. 2 Theſ. 1. 4, 5, 6, 7, 8. Mat. 25, 34. Rev. 21, 27. Eſai. 66. 24. Mat. 25. 41. Marc. 9. 44, 46, 48. Mat. 22. 13. 2 Pet. 3. 11. 2 Cor. 5. 11. Luk. 21. 28. Joh. 15. 1, &c. Eſai. 7. 14. Eph. 1. 22. Col. 1. 18. Heb. 9. 12. 15 Heb. 10. 21. 1 Joh. 2. 1. 1 Tim. 2. 5.

12. *Faith in the holy Ghoſt.*

THIS Our Faith and the aſſurance of the ſame, proceeds not fra fleſh and blude, that is to ſay, fra na natural powers within us, bot is the inſpiration of the holy Ghoſt: whome we confeſſe, GOD, equal with the Father, and with his Sonne, quha ſanctifyis us, and brings us in all veritie be his awin operation, without whome we ſulde remaine for ever enimies to GOD, and ignorant of his Sonne Chriſt Jeſus. For of nature we are ſo dead, ſo blind, and ſo perverſe, that nether can we feill when we ar pricked, ſee the licht when it ſhines, nor aſſent to the will of God when it is reveiled, unles the Spirit of the

Mat. 16. 17. Joh. 14. 26. Joh. 15. 26. Joh. 14. 11. Act. 5. 4. Joh. 16. 13. Col. 2. 13. Eph. 2. 1. Joh. 3. 32. Revel. 3. 17.

Mat. 17. 27. Mar. 9. 19. Luk. 9. 41. Joh. 6. 63. Mica. 7. 8. 1 King 8. 58. Pſal. 100. 3. Rom. 5. 10. John 3. 5. Titus 3. 5. Rom. 5. 8. Phil. 3. 9. Phil. 1. 6. 2 Cor. 3. 5. Eph. 1. 6.

Lord Jeſus quicken that quhilk is dead, remove the darkneſſe from our myndes, and bowe our ſtubburne hearts to the obedience of his bleſſed will. And ſo as we confeſſe, that God the Father created us, when we were not: as his Sonne our LORD JESUS redeemed us, when wee were enimies to him: ſo alſo do we confeſſe that the holy Ghoſt doth ſanctifie and regenerat us, without all reſpect of ony merite proceeding from us: be it before, or be it after our Regeneration. To ſpeak this ane thing zit in mair plaine words: As we willingly ſpoyle our ſelves of all honour, and gloir of our awin creation, and redemption: ſo do we alſo of our Regeneration and Sanctification: for of our ſelves we ar not ſufficient to think one gude thocht, bot he quha hes begun the wark in us, is onlie he that continewis us in the ſame, to the praiſe and glorie of his un-deſerved grace.

14. *The cauſe of gude warkes.*

Eph. 2. 10. Phil. 2. 13. Jo. 1. 15. 5. Rom. 8. 9.

SA. That the cauſe of gude warks, we confeſſe to be not our free-will, bot the Spirit of the LORD JESUS, who dwelling in our hearts be trewe faith, bringis furth ſik warkes, as God hes prepared for us to walke in. For this wee maiſt boldelie affirme, that blaſphemy it is to ſay, that Chriſt abydes in the heartes of ſik, as in whome there is no Spirit of ſanctification. And therefore we feir not to affirme, that murtherers, oppreſſers, cruell perſecuters, adulterers, huremongers, filthy perſouns, Idolaters, drunkards, thieves, and all workers of iniquity, have nether trew faith, nether ony portion of the Spirit of the LORD JESUS: ſo long as obſtinatlie they continew in their wickednes. For how ſoone that ever the Spirit of the Lord Jeſus (quhilk Gods elect children receive be trew faith) taks poſſeſſion in the heart of ony man, ſo ſoone dois he regenerate and renew the ſame man. So that he beginnis to hait that quhilk before he loved, & begins to love that quhilk before he hated, and fra thine cummis that continuall battell, quhilk is betwixt the

Rom. 7. 15, 16, 17, &c. Gal. 5. 17. Rom. 8. 16. Rom. 7. 24. Rom. 8. 22. Rom. 6. 12. Eph. 4. 17, 18, 19. 2 Tim. 2. 26.

fleſh and the Spirit in Gods Children: while the fleſh and naturall man, according to the awin corruption, luſtes for things pleiſand and delectable unto the ſelf, and grudges in adverſity, is lyfted up in proſperity, and at every moment is prone and reddie to offend the Majeſtie of God. Bot the *S*pirit of God, quhilk gives witneſſing to our Spirit, that we are the *S*onnes of God, makis us to reſiſt filthie pleaſures, and to groane in Gods preſence, for deliverance fra this bondage of corruption: And finally to triumph over ſin, that it reigne not in our mortall bodyis This battell hes not the carnall men, being deſtitute of Gods Spirit, bot dois follow and obey ſinne with greedines, and without repentance, even as the Devill, and their corrupt luſtes do prick them. Bot the Sonnes of God, as before wes ſaid, do fecht againſt ſinne, do ſob and murne, when they perceive themſelves tempted in iniquitie: and gif they fall, they riſe againe with earneſt and unfained

Joh. 15. 5.

repentance, and thir thingis they do not be their awin power, bot be the power of the Lord JESUS, without whom they were able to do nothing.

15. *What warkes ar reputed gude befoir God.*

Exod. 20. 3, &c. Deut. 4. 7. &c.

WE Confeſſe and acknawledge, that God hes given to man his holy Law, in quhilk not only ar forbidden all ſik warkes as diſpleis and offend his Godly Majeſtie, bot alſwa ar commanded all ſik as pleis him, and as he hes promiſed to rewaird. And thir warks be of twa ſortes. The ane are done to the honour of God, the uther to the profite of our Nichtbouris: and both have the reveiled will of God for their aſſurance. To have ane God, to worſchip and honour him, to call upon him in all our troubles, reverence his

Luk. 2. 75. Mica. 6. 11.

holy name, to heare his word, to beleive the ſame, to communicate with his holy Sacraments, are the

Eph. 6. 1, 7. Ezech. 22. 1, &c. 1 Cor. 6. 19, 20. 1 Theſ. 4. 4, 5, 6. Jerem. 22. 3, 9, &c. Eſai 50. 1. &c. 1 Theſ. 4. 6.

warkes of the firſt Tabill. To honour Father, Mother, Princes, Rulers, and ſuperiour powers: to love them, to ſupport them, zea to obey their charges (not repugning to the commandement of God) to ſave the lives of Innocents, to repreſſe tyrannie, to defend the oppreſſed, to keepe our bodies cleane and halie, to live in ſobernes and temperance, to deal juſtlie with all men both in word and deed: and finally, to repreſſe all appetite of our Nichtbouris hurt, are the gude warkes of the ſecund Tabill, quhilk are maiſt pleiſing and acceptabill unto God, as the warkes that are commanded be himſelfe. The contrary quhairof, is ſinne maiſt odious, quhilk alwayes diſpleiſis him, and provokes him to anger: As not to call upon him alone, when we have need, nor to hear his word with reverence, to contemne and deſpiſe it, to have or worſchip Idols, to maintene and defend Idolatrie, lichtlie to eſteeme the reverend name of God, to prophane, abuſe,

Rom. 13. 2. Ezech. 22. 13, &c.

or contemne the Sacraments of Chriſt Jeſus, to diſobey or reſiſt ony that God hes placed in Authoritie (quhill they paſſe not over the boundes of their office) to murther, or to conſent thereto, to beare hatred, or to let Innocent blude bee ſched, gif wee may withſtand it. And finally, the tranſgreſſion of ony uther commandement in the firſt or ſecund Tabill; we confeſſe and affirme to be ſinne, by the quhilk Gods anger and diſ-

1 Joh. 3. 4. Rom. 14. 23. Heb. 11. 6. 1 Sam. 15. 22. 1 Cor. 10. 31. 1 Joh. 3. 4.

pleaſure is kindled againſt the proud unthankfull warld. So that gude warkes we affirme to be thir onlie, that are done in faith, and at Gods commandement, quha in his Lawe hes expreſſed what the thingis be that pleis him. And evill warkis we affirme not onlie thir, that expreſſedly ar done againſt Gods commandement: bot

Eſai. 29. 13. Mat. 15. 9. Mark 7. 7.

thir alſwa that in matteris of Religion, and worſchipping of God, hes na uther aſſurance bot the inventioun and opinioun of man: quhilk God fra the beginning hes ever rejected, as be the Prophet *Eſay*, and be our Maiſter CHRIST JESUS wear taucht in thir words, *In vaine do they worſhip me, teaching for doctrines the precepts of men.*

16. *The*

16. *The perfectioun of the Law, and the imperfectioun of man.*

THE Law of God we confeſſe and acknowledge maiſt juſt, maiſt equall, maiſt halie, and maiſt perfite, commaunding thir thingis, quhilk being wrocht in perfectioun, were abill to give life, and abill to bring man to Eternall felicitie. Bot our nature is ſa corrupt, ſa weake, and ſa unperfite, that we ar never abill to fulfill the warkes of the Law in perfectioun. Zea, gif we ſay we have na ſinne, evin after we ar regenerated, we deceive our ſelves, and the veritie of God is not in us. And therefore, it behoovis us to apprehend Chriſt Jeſus with his Juſtice and ſatisfaction, quha is the end and accompliſhment of the Law, be quhome we ar ſet at this liberty, that the curſe and malediction of God fall not upon us, albeit we fulfill not the ſame in all poyntes. For God the Father beholding us, in the body of his Sonne Chriſt Jeſus, acceptis our imperfite obedience, as it were perfite, and covers our warks, quhilk ar defyled with mony ſpots, with the Juſtice of his Sonne. We do not meane that we ar ſo ſet at liberty, that wee awe na obedience to the Law (for that before wee have plainly confeſſed) bot this we affirme, that na man in earth (Chriſt Jeſus onlie excepted) hes given, gives, or ſall give in worke, that obedience to the Law, quhilk the Law requiris. Bot when we have done all things, we muſt fall downe and unfeinedly confeſſe, that we are unprofitable ſervands. And therefore, quhoſoever boaſtis themſelves of the merits of their awin works, or put their truſt in the works of Supererogation, boaſt themſelves in that, quhilk is nocht, and put their truſt in damnable Idolatry.

Lev. 18. 5. Gal. 3. 12. 1 Tim. 1. 18. Rom. 7. 12. Pſal. 19. 7, 8, 9, &c. Deut. 5. 29. Rom. 10. 3. 1 Kin. 8. 46. 2 Chr. 6. 36. Eccl. 7. 22. Prov. 20. 9. 1 Joh. 1. 8. Rom. 10. 4. Gal. 3. 13. Deut. 27. 26. Phil. 2. 15. Eſai. 64. 6. Luk. 17. 10.

17. *Of the Kirk.*

AS We believe in ane God, Father, Sonne, and halie Ghaiſt: ſa do we maiſt conſtantly believe, that from the beginning there hes bene, and now is, and to the end of the warld ſall be, ane Kirk, that is to ſay, ane company and multitude of men choſen of God, who richtly worſhip and imbrace him, be trew faith in Chriſt Jeſus, quha is the only head of the ſame Kirk, quhilk alſwa is the bodie and ſpouſe of Chriſt Jeſus, quhilk Kirk is Catholike, that is, univerſall, becauſe it conteinis the Elect of all ages, of all Realmes, Nations, and Tounges, be they of the Jewes, or be they of the Gentiles, quha have communion & ſocietie with God the Father, and with his Son Chriſt Jeſus, throw the ſanctificatioun of his haly Spirit, and therefore is it called the Communion, not of prophane perſounes, bot of Sancts, quha as citizenis of the heavenly *Jeruſalem*, have the fruitioun of the maiſt ineſtimable benefites, to wit, of ane God, ane LORD JESUS, ane Faith, and ane Baptiſme: out of the quhilk Kirk, there is nouther lyfe, nor Eternall felicitie. And therefore we utterly abhorre the blaſphemie of them that affirme, that men quhilk live according to equitie and Juſtice, ſall be ſaved, quhat Religioun that ever they have profeſſed. For as without CHRIST JESUS, there is nouther life nor Salvation: ſo ſall there nane be participant thereof, bot ſik as the Father hes given unto his Sonne CHRIST JESUS, and they that in time cum unto him, avowe his doctrine and beleeve into him, (we comprehend the Children with the faithfull parentes) this Kirk is inviſible, knawen onelie to God, quha alane knawis whom he hes choſen, and comprehends alſweill (as ſaid is) the Elect that be departed, commonlie called the Kirk Triumphant, and they that zit live and fecht againſt ſin and Sathan, as they that ſall live hereafter.

Mat. 28. 20. Eph. 1. 4. Col. 1. 18. Eph. 5. 23, 24. 25, 29. Apoc. 7. 9. Eph. 2. 19. Eph. 4. 5. Joh. 5. 24. Joh. 17. 6. 1 Tim. 2. 19. Joh. 13. 14. Eph. 1. 10. Col. 1. 10. Heb. 12. 4.

18. *The immortalitie of the Saules.*

THE Elect departed are in peace and reſt fra their labours: not that they ſleep, and come to a certaine Oblivion, as ſome Phantaſtickes do affirme: bot that they are delivered fra all feare and torment, and all temptatioun, to quhilk we and all God his Elect are ſubject in this life, and therefore do beare the name of the Kirk Militant: As contrariwiſe, the reprobate, and un-faithfull departed have anguiſh, torment, & paine, that cannot be expreſſed. Sa that neither are the ane nor the uther in ſik ſleepe, that they feele not their torment, as the Parable of Chriſt Jeſus in the 16. of *Luke*, his words to the thiefe, and thir wordes of the ſaules crying under the Altar: *O Lord, thou that art righteous and juſt, How lang ſall thou not revenge our blude upon thir that dwellis in the Earth*, dois declair.

Apo. 14. 13. Eſai. 25. 8. Apoc. 7. 16, 17. Apoc. 21. 4. Apoc. 16. 10, 11. Eſai. 66. 24. Mar. 9. 44, 46, 48. Luk. 23. 43. Luk. 16. 24, 25. Apoc. 6. 9, 10.

19. *Of the notes, be the quhilk the trew Kirk is decerned fra the falſe, and quha ſall be Judge of the doctrine.*

BECAUSE That Sathan from the beginning, hes laboured to deck his peſtilent Synagoge with the title of the Kirk of GOD, and hes inflamed the heartes of cruell murtherers, to perſecute, trouble and moleſt, the trewe Kirk, and members thereof, as *Cain* did *Abel*, *Iſmael Iſaac*, *Eſaw Jacob*, and the haill Prieſthead of the Jewes; Chriſt Jeſus himſelfe, and his Apoſtles after him. It is ane thing maiſt requiſite, that the true Kirk be decerned fra the filthie Synagogues, be cleare and perfite notes, leaſt we being deceived, receive and imbrace to our awin condemnatioun, the ane for the uther. The notes, ſignes, and aſſured takens, whereby the immaculate Spouſe of Chriſt Jeſus is knawen fra the horrible harlot, the Kirk Malignant: We affirme are neither Antiquitie, Title uſurped, Lineal deſcent, place appoynted, nor Multitude of men approving ane error: for *Cain* in age and title was preferred to *Abel* and *Seth*:

Gen. 4. 8. Gen. 21. 9. Gen. 27. 41. Mat. 23. 34. Joh. 15. 18, 19. Joh. 11. 35. Joh. 15. 20, 24. Act. 4. 1. &c. Act. 5. 17. &c. Gen. 4. 1. Pſal. 48, 1, 2. Mat. 5. 35.

Joh. 12. 42. Eph. 2. 20. Act. 2. 42. Joh. 10. 27. Joh. 18. 37. 1 Cor. 1. 13. 1 Cor. 11. 20. 23. Mat. 28. 19, 20. Marc. 16. 15. Rom. 4. 11. Mat. 18. 15, 16, 17. 1 Cor. 5. 5. Mat. 18. 20. 1 Cor. 1. 2. 2 Cor. 1. 1. Gal. 1. 2. Eph. 1. 1. Act. 16. 9, 10. & 18. 1, &c. 1 Cor. 1. &c. Act. 20. 17, &c. Joh. 20. 31. 2 Tim. 3. 16, 17. 2 Pet. 1. 20, 21.

Jeruſalem had prerogative above all places of the Earth, where alſo were the Prieſts lineally deſcended fra *Aaron*, And greater number followed the Scribes, Phariſies, and Prieſtes, then unfainedly beleeved and approved Chriſt Jeſus and his doctrine: and zit as we ſuppoſe, no man of ſound Judgement, will grant that ony of the forenamed, were the Kirk of God. The notes therefore of the trew Kirk of God, we beleeve, confeſſe and avow to be, firſt the trew preaching of the word of God, unto the quhilk God hes revealed himſelfe unto us, as the writings of the Prophets and Apoſtles dois declair. Secondly, the right adminiſtration of the Sacraments of Chriſt Jeſus, quhilk mon be annexed into the word and promiſe of God, to ſeale and confirme the ſame in our hearts. Laſt, Eccleſiaſtical diſcipline uprightlie miniſtred, as God his word preſcribes, whereby vice is repreſſed, and vertew nuriſhed. Whereſoever then thir former notes are ſeene, and of ony time continue (be the number never ſo fewe about two or three) there without all doubt is the trew Kirk of Chriſt: who according unto his promiſe, is in the midſt of them. Not that univerſal, of quhilk we have before ſpoken, bot particular, ſik as was in *Corinthus*, *Galatia*, *Epheſus*, and uther places, in quhilk the Miniſtrie was planted be Paul, and were of himſelfe named the Kirks of God: and ſik Kirks, we the inhabitantis of the Realme of SCOTLAND, profeſſoris of Chriſt Jeſus, profeſſis our ſelfis to have in our Citties, Townes, and places reformed, for the doctrine taucht in our Kirk, is, conteined in the writen worde of God, to wit, in the buiks of the auld, and new Teſtamentis, in thoſe buikis we meane, quhilk of the ancient have beene reputed canonical. In the quhilk we affirme, that all thingis neceſſary to be beleeved, for the ſalvation of man-kinde, is ſufficiently expreſſed. The interpretation quhairof, wee confeſſe, neither appertaines to private, nor publick perſone, neither zit to ony Kirk, for ony preheminence, or prerogative perſonallie or locallie, quhilk ane hes above ane uther, bot apperteines to the Spirite of God, be the quhilk alſo the Scripture was written. When controverſie then happinis, for the right underſtanding of ony place or ſentence of Scripture, or for the reformation of ony abuſe within the Kirk of God, we ought not ſameikle to like what men before us have ſaid or done, as to take heed unto that quhilk the halie Ghaiſt uni formelie ſpeakes, within the body of the Scriptures, and unto that quhilk Chriſt Jeſus himſelfe did, and commanded to be done. For this is ane thing univerſallie granted, that the Spirite of God, quhilk is the Spirite of Unitie, is in nathing contrarious unto himſelfe. Gif then the interpretation, determination, or ſentence of ony Doctor, Kirk, or Councell, repugne to the plaine worde of God, written in ony uther place of the Scripture, it is a thing maiſt certaine, that there is not the true underſtanding and meaning of the haly Ghaiſt, although that Councels, Realmes, and Nations have approved and received the ſame: For we dare not receive nor admit ony interpretation, quhilk repugnes to ony principal poynt of our faith, or to ony uther plaine text of Scripture, or zit unto the rule of charitie.

Joh. 5. 29. Eph. 4. 4.

20. *The authoritie for the Scriptures.*

1 Tim. 3. 16, 17. Joh. 10. 27.

AS We beleeve and confeſſe the Scriptures of God ſufficient to inſtruct, and make the man of God perfite: ſo do we affirme, and avow the authoritie of the ſame, to be of God, and nether to depend on men, nor Angels. Wee affirme therefore, that ſik as allege the Scripture, to have na uther authoritie, bot that quhilk it hes received from the Kirk, to be blaſphemous againſt God, and injurious to the trew Kirk, quhilk alwayes heares and obeyis the voyce of her awin ſpouſe and Paſtor, bot takes not upon her to be Maiſtres over the ſamin.

21. *Of general Councels, of their Power, Authoritie, and cauſe of their Convention.*

Gal. 2. 11, 12, 13, 14. 1 Tim. 4. 1, 2, 3. Col. 2. 18, 19, 20, 21, 22, 23. Act. 15. 1. &c. 1 Tim. 3. 15. Heb. 3. 2. 1 Cor. 14. 40.

AS We do not raſhlie damne that quhilk godly men aſſembled togither in generall Councell lawfully gathered, have proponed unto us, ſo without juſt examination, dare we not receive quhatſoever is obtruded unto us by men under the name of general Councels: for plaine it is, as they wer men, ſo have ſome of them manifeſtlie erred, and that in matters of great weight and importance. So farre then, as the Councel previs the determination and commandement that it gives, bee the plaine worde of God: ſo ſoone do we reverence and imbrace the ſame. Bot gif men under the name of a Councell, pretend to forge unto us, new Artickles of our faith, or to make conſtitutionis repugning to the word of God: then utterlie we muſt refuſe the ſame, as the doctrine of Devils, quhilk drawis our ſaules from the voyce of our onlie God, to follow the doctrines and conſtitutiones of men. The cauſe then quhy that generall Councellis convened, was nether to make ony perpetual Law, quhilk God before had not maid, nether zit to forge new Artickles of our beleife, nor to give the word of God authoritie, meikle les to make that to be his word, or zit the trew interpretation of the ſame, quhilk was not before, be his haly will, expreſſed in his word: bot the cauſe of Councellis (we meane of ſik as merite the name of Councellis) wes partlie for confutation of hereſies, and for giving publick confeſſion of their faith, to the poſterite following, quhilk baith they did by the authoritie of Gods written word, and not by ony opinion or prerogative, that they culd not erre, be reaſon of their general aſſemblie: And this we judge to have beene the chiefe cauſe of general Councellis. The uther was for gude policie and ordour, to be conſtitute and obſerved in the Kirk, in quhilk (as in the houſe of God) it becummis all things to be done decently and in ordour. Not that we think, that any policie, and an ordour in Ceremonies, can be appoynted for all ages, times and places: for as ceremonies, ſik as men have deviſed, ar bot temporal: ſo may and aucht they to be changed, when they rather foſter ſuperſtition, then that they edifie the Kirk, uſing the ſame.

22. *Of the Sacramentes.*

AS The Fatheris under the Law, beſides the veritie of the Sacrifices, had twa chiefe *Sacramentes*, to wit, Circumciſion, and the Paſſe-over, the deſpiſers and contemners whereof, were not reputed of Gods people: ſa do we acknawledge and confeſſe, that we now in the time of the Evangell, have twa chiefe Sacramentes, onelie inſtituted be the Lord Jeſus, & commanded to be uſed of all they, that will be reputed members of his body: To wit, Baptiſme, and the ſupper or Table of the Lord Jeſus, called the Communion of his body and blude. And thir Sacramentes alſweill of auld, as of new Teſtament, now inſtituted of God, not onelie to make ane viſible difference betwixt his people, and they that wes without his league: bot alſo to exerce the faith of his Children, and be participation of the ſame Sacramentes, to ſeill in their hearts the aſſurance of his promiſe, and of that moſt bleſſed conjunction, union and ſocietie, quhilk the elect have with their head Chriſt Jeſus. And thus wee utterlie damne the vanitie of they, that affirme Sacramentes to be nathing elſe bot naked and baire ſignes. No, wee aſſuredlie beleeve, that be Baptiſme, we ar ingraſted in Chriſt Jeſus, to be made partakers of his Juſtice, be quhilk our ſinnes ar covered and remitted. And alſwa, that in the Supper richtlie uſed, CHRIST JESUS is ſo joyned with us, that hee becummis very nuriſhment and ſude of our ſaules. Not that we magine anie tranſubſtantiation of Bread into Chriſtes body, and of Wine into his naturall blude, as the Papiſtes have perniciouſlie taucht, and damnablie beleeved: bot this unioun and conjunction, quhilk we have with the body and blude of Chriſt Jeſus in the richt uſe of the Sacraments, is wrocht be operatioun of the haly Ghaiſt, who by trew faith caryis us above all things that are viſible, carnall, and earthly, and makes us to feede upon the body and blude of Chriſt Jeſus, quhilk wes anes broken and ſhed for us, quhilk now is in heaven, and appearis in the preſence of his Father for us: And zit notwithſtanding the far diſtance of place, quhilk is betwixt his body, now glorified in Heaven, and and us now mortall in this earth: zit we man aſſuredlie beleeve, that the bread quhilk we break, is the communion of Chriſtes bodie, and the cupe quhilk we bleſſe, is the communion of his blude. So that we confeſſe, and undoubtedlie believe, that the faithfull in the richt uſe of the Lords Table, do ſo eat the bodie and drinke the blude of the Lord Jeſus, that he remaines in them, and they in him. Zea, they are ſo maid fleſh of his fleſh, and bone of his bones, that as the eternall God-head hes given to the fleſh of Chriſt Jeſus (quhilk of the awin conditioun and nature wes mortall and corruptible) life and immortalitie: ſo dois Chriſt Jeſus his fleſh and blude eatin and drunkin be us, give unto us the ſame prerogatives. Quhilk albeit we confeſſe, ar nether given unto us at that time onelie, nether zit be the proper power and vertue of the Sacrament onelie: zit we affirme that the faithfull, in the richt uſe of the Lords Table, hes conjunctioun with Chriſt Jeſus: as the naturall man cannot apprehend: zea, and farther wee affirme, that albeit the faithfull oppreſſed be negligence, and namelie infirmitie, dois not profite ſameikle, as they wald, in the verie inſtant action of the Supper: zit ſall it after bring frute furth, as livelie ſeid ſawin in gude ground. For the haly Spirit, quhilk can never be divided fra the richt inſtitutioun of the Lord Jeſus, will not fruſtrat the faithfull of the fruit of that myſticall action, bot all thir we ſay cummis of trew faith, quhilk apprehendis Chriſt Jeſus; who only makis this *Sacrament* effectuall unto us. And therefore whoſoever ſclanders us, as that we affirme or beleevis Sacraments to be naked and bair Signes, do injurie unto us, and ſpeaks againſt the manifeſt truth. Bot this liberallie and franklie wee confeſſe, that we make ane diſtinctioun betwixt Chriſt Jeſus in his eternall ſubſtance, and betwixt the Elements of the Sacramentall Signes. So that wee will nether worſhip the Signes, in place of that quhilk is ſignified be them, nether zit doe we deſpiſe and interpret them, as unprofitable and vaine, bot do uſe them with all reverence, examining our ſelves diligentlie, before that ſo we do. Becauſe we are aſſured be the mouth of the Apoſtle, that ſik as eat of that bread, and drink of that cupe unworthelie, are guiltie of the bodie and blude of Chriſt Jeſus.

Gen. 17. 10. Exod. 12. 3, &c. Gen. 17. 4. Num. 9. 13. Mat. 28 19. Mar. 16. 17. Mat. 26 26. Mar. 14. 22. Luk 22. 19. 1 Cor. 11. 24. 1 Cor. 10. 16.

Rom. 6. 3, 4, 5 Gal. 3. 27.

Mat 16. 19. Luk 24. 51. Act. 1. 11. Act. 3. 21. 1 Cor. 10.

Eph. 5. 30. Mat. 27. 50. Mar. 15. 37. Luk. 23. 46. Joh. 19. 30. Jon. 6. 51, 53 54, 55, 56. 57, 58.

1 Cor. 11. 28, 29.

23. *Of the richt adminiſtration of the Sacraments.*

THAT Sacraments be richtlie miniſtrat, we Judge twa things requiſite: The ane, that they be miniſtrat be lauchfull Miniſters, whom we affirme to be only they, that ar appoynted to the preaching of the word, into quhais mouthes God hes put ſum *Sermon* of exhortation, they being men lauchfullie choſen thereto be ſum Kirk. The uther, that they be miniſtrat in ſik elements, and in ſik ſort, as God hes appoynted, elſe we affirme that they ceaſe to be the richt *Sacraments* of Chriſt Jeſus. And therefore it is, that we fly the doctrine of the Papiſticall Kirk, in participation of their Sacraments: firſt, becauſe their Miniſters are na Miniſters of Chriſt Jeſus, zea (quhilk is mair horrible) they ſuffer wemen, whome the haly Ghaiſt will not ſuffer to teache in the Congregatioun, to Baptize: and ſecundly, becauſe they have ſo adulterated both the one Sacrament and the uther, with their awin inventions, that no part of Chriſts action abydes in the originall puritie. For Oyle, Salt, *Spittil*, and ſik-lyke in Baptiſme, ar bot mennis inventiouns. Adoration, Veneration, bearing throw ſtreitis and townes, and keiping of bread in boxes or buiſtes, ar prophanatioun of Chriſts *Sacraments*, and na uſe of the ſame. For Chriſt Jeſus ſaide, Take, eat &c. do ze this in rememberance of me. Be quhilk word and charge, he ſanctified bread and wine, to the Sacrament of his halie bodie and blude, to the end, that the ane ſuld be eaten, and that all ſuld drinke of the uther, and not that thay ſuld be keiped to be worſhipped and honoured, as God, as the Papiſtes have done heirtofore. Who alſo committed *Sacrilege*, ſteilling from the people the ane parte of the *Sacrament*, to wit, the

Mat. 26. 26. &c. Mar. 14. 22, &c. Luk. 22. 19, &c. 1 Cor. 11. 24.

bleſſed cupe. Moreover, that the Sacraments be richtly uſed, it is required, that the end and cauſe, why the Sacramentis were inſtitute, bee underſtand and obſerved, alſweill of the Miniſter, as of the receiveris. For gif the opinion be changed in the receiver, the richt uſe ceaſſis, quhilk is maiſt evident, be the rejection of the Sacrifice, as alſo gif the teacher planely teache fals doctrine, quhilk were odious and abhominable before God (albeit they were his awin ordinance) becauſe that wicked men uſe them to an uther end, then God hes ordained. The ſame affirme we of the Sacraments in the Papiſticall Kirk: in quhilk we affirme the haill action of the Lord Jeſus to be adulterated, alſweill in the externall forme, as in the end and opinion. Quhat Chriſt Jeſus did, and commanded to be done, is evident, be the Evangeliſtes, and be Saint Paul: quhat the Preiſt dois at his Altar, we neid not to rehearſe. The end and cauſe of Chriſts inſtitution, and why the ſelfe ſame ſuld be uſed, is expreſſed in thir words, Doe ze this in rememberance of me, als oft as ze ſall eat of this bread, and drinke of this Cupe, ze ſall ſhaw furth, that is, extol, preach, magnifie, and praiſe the Lords death, till he cum. Bot to quhat end, and in what opinioun the Prieſtes ſay their Meſſe, let the worde of the ſame, their awin Doctouris and wrytings witnes. To wit, that they, as Mediatores betuixt Chriſt, and his Kirk, do offer unto God the Father, a Sacrifice propitiatorie, for the Sinnes of the quick and the dead. Quhilk doctrine, as blaſphemous to Chriſt Jeſus, and making derogation to the ſufficiencie of his only Sacrifice, once offered for purgatioun of all they that ſall be ſanctified, we utterly abhorre, deteſt and renounce.

1 Cor. 11. 25, 26.

Heb. 9. 27, 28.

24. *To whome Sacraments appertaine.*

WE Confeſſe and acknawledge, that Baptiſme apperteinis alſweill to the infants of the faithfull, as unto them that be of age and diſcretion, and ſo we damne the error of the Anabaptiſts, who denies baptiſme to apperteine to Children, before that they have faith and underſtanding: bot the Supper of the Lord, we confeſſe to appertaine to ſik onely, as be of the houſhald of Faith, and can trie and examine themſelves, alſweil in their faith, as in their dewtie towards their Nichtbouris. Sik as eate and drink at that haly Table without faith, or being at diſſenſion and diviſion with their Brethren; do eat unworthelie: And therefore it is that in our Kirk, our Miniſters take publick and particular examination, of the knawledge and converſation of ſik, as are to be admitted to the Table of the Lord Jeſus.

Col. 2. 11, 12. Rom. 4. 11. Gen. 17. 10. Mat. 28. 19.

1 Cor. 11. 28, 29.

25. *Of the Civill Magiſtrate.*

WE Confeſſe and acknawledge Empyres, Kingdomes, Dominiouns, and Citties, to be diſtincted and ordained be God: the powers and authoritie in the ſame, be it of Emperours in their Empyres, of Kings in their Realmes, Dukes and Princes in their Dominions, and of uthers Magiſtrates in the Citties, to be Gods haly ordinance, ordained for manifeſtatioun of his awin glory, and for the ſingular profite and commoditie of mankind: So that whoſoever goeth about to take away, or to confound the haill ſtate of Civile policies, now long eſtabliſhed: we affirme the ſame men, not onely to be enimies to mankinde, but alſo wickedly to fecht againſt God his expreſſed will. Wee farther confeſſe and acknawledge, that ſik perſouns, as are placed in authoritie, ar to be loved, honoured, feared, and halden in moſt reverent eſtimatioun: becauſe that they are the Lieutennents of God, in whoſe Seſſiouns, God himſelf dois ſit, and Judge: zea, even the Judges and Princes themſelves, to whom be God is given the ſword, to the praiſe and defenſe of gude men, and to revenge and puniſh all open malefactors. Mairover to Kings, Princes, Rulers and Magiſtrates, wee affirme that chieflie and moſt principallie the conſervation and purgation of the Religioun appertaines, ſo that not onlie they are appointed for Civill policie, bot alſo for maintenance of the trew Religioun, and for ſuppreſſing of Idolatrie and Superſtitioun whatſoever. As in *David*, *Joſaphat*, *Ezechias*, *Joſias*, and uthers highlie commended for their zeale in that caice, may be eſpyed. And therefore wee confeſſe and avow, that ſik as reſiſt the ſupreme power, doing that thing quhilk appertains to his charge, do reſiſt God his ordinance: And therefore cannot be guiltles. And farther we affirme, that whoſoever denies unto them ayde, their Counſell and comfort, quhiles the Princes and Rulers vigilantly travell in execution of their office, that the ſame men deny their help, ſupport and Counſell to God, quha be the preſence of his Lieu-tennent, dois crave it of them.

Rom. 13. 1. Titus 3. 1. 1 Pet. 2. 13.

Rom. 13. 2.

Rom. 13. 7. 1 Pet. 2. 17. Pſal. 82. 1.

1 Chron. 22. 23, 24, 25. 26. chap. 2 Chron. 17. 7. 2 Chron. 29. 30. & 31. chapters. 2 Chron. 34. & 35. chap.

26. *The guiftes freelie given to the Kirk.*

ALBEIT That the word of God trewly preached, and the Sacraments richtlie miniſtred, and Diſcipline executed, according to the word of God, be the certaine and infallible Signes of the trew Kirk, we meane not that everie particular perſon joyned with ſik company, be ane Elect member of CHRIST JESUS: For we acknawledge and confeſſe, that Dornell, Cockell, and Caffe, may be ſawen, grow, and in great aboundance lie in the midſt of the Wheit, that is, the Reprobate may be joyned in the ſocietie of the Elect, and may externally uſe with them the benefites of the word and Sacraments. Bot ſik being bot temporall profeſſoures in mouth, bot not in heart, do fall backe and continew not to the end. And therefore have they na fruite of Chriſts death, Reſurrection, nor Aſcenſion: bot ſik as with heart unfainedly beleeve, and with mouth bauldely confeſſe the Lord Jeſus, as before we have ſaid, ſall moſt aſſuredly receive thir guiftes. Firſt in this life remiſſion of ſinnes, and that be only faith in Chriſts blude.

Mat. 13. 24. 25, 26, &c.

Mat. 13. 20, 21. Rom. 10. 9. 13.

In

In ſameikle, that albeit ſinne remaine and continuallie abyde, in thir our mortall bodies, zit it is not imputed unto us, bot is remitted, and covered with Chriſts Juſtice. Secundly, in the generall Judgement, there ſall be given to every man and woman reſurrection of the fleſh. For the Sea ſall give her dead: the Earth they that therein be incloſed, zea the Eternall our God ſall ſtretche out his hand on the duſt, and the deade ſall ariſe uncorruptible, and that in the ſubſtance of the ſelfe ſame fleſh that every man now beiris, to receive according to their warkes, glory, or puniſhment. For ſik as now delyte in vanity, cruelty, filthynes, ſuperſtition, or Idolatry, ſall be adjudged to the fire unquencheable. In quhilk they ſall be tormented for ever, alſweill in their awin bodyes, as in their ſaules, quhilk now they give to ſerve the Devill in all abhomination. Bot ſik as continew in weill doing to the end, bauldely profeſſing the Lord Jeſus: we conſtantly beleeve, that they ſall receive glorie, honour, and immortality, to reigne for ever in life everlaſting, with Chriſt Jeſus, to whoſe glorified body all his Elect, ſall be made lyke, when he ſall appeir againe in Judgement, and ſall rander up the Kingdome to God his Father, who then ſall bee, and ever ſall remaine all in all things God bleſſed for ever. To whome with the Sonne, and with the haly Ghaiſt, be all honour and glorie, now and ever. So be it.

Rom. 7. & 2 Cor. 5. 21 Joh. 5. 28, 29. Apo. 20. 23. Job 19. 25, 26, 27. Mat. 25. 31. Apo. 14. 16.

Rom. 2. 6, 7, 8, 9. 10. Phil. 3. 21. 1 Cor. 15. 24, 28.

Ariſe (O Lord) and let thy enimies be confounded, let them flee from thy preſence, that hate thy godlie Name. Give thy ſervands ſtrength, to ſpeake thy word in bauldneſſe, and let all Nations cleave to thy trew knawledge. Amen.

Num. 9. 35. Pſal. 68. 1. Act. 4. 29.

Thir Acts and Artickles ar red in the face of Parliament, and ratifyed be the three Eſtaitis, At *Edinburgh* the 17. day of Auguſt, the zeir of God 1560. zeiris.

5. *Anent the Meſſe aboliſhed, and puniſhing of all that hearis or ſayis the ſamin.*

ITEM, Our Soveraine Lord, with adviſe of his deareſt Regent, and the three Eſtaits of this preſent Parliament ratifyis and apprevies the Act under written, maid in the Parliament halden at *Edinburgh*, the 23. day of Auguſt, the zeir 1560. zeires. And of new in this preſent Parliament ſtatuts and ordainis, the ſaid Act to be as an perpetuall Law, to all our Soveraine Lords lieges in all times to cum; Of the quhilk, the tenour followes. The quhilk day, for-ſameikle as almichty God be his maiſt trew and bleſſed word, hes declared the reverence, and honour quhilk ſuld be given unto him. And be his Sonne JESUS CHRIST hes declared the trew uſe of the Sacraments, willing the ſame to be uſed, according to his will and word. Be quhilk it is notour, and perfitelie knawen, that the Sacramentes of Baptiſme, and of the Bodie and Bloud of JESUS CHRIST, hes bene in all times by-paſt corrupted, be the Papiſticall Kirk; and be their uſurped Miniſters. And preſentlie, notwithſtanding the reformatioun alreadie made, according to Gods word: Zit there is ſum of the ſaid Papiſt Kirk, that ſtubburnely preſeveris in their wicked Idolatrie, ſayand Meſſe, and Baptizand, conforme to the Papiſt Kirk, prophanand therethrow the Sacraments foirſaides, in quiet and ſecreete places, therethrow nouther regardand God, nor his word. THEREFOIRE, It is ſtatute and ordained in this preſent Parliament, that na maner of perſoun, or perſonnis, in onie time cumming, adminiſtrat ony of the Sacraments foirſaids, ſecretly, or ony uther maner of way, but they that are admitted, and havand power to that effect. And that na maner of perſoun nor perſounis, ſay Meſſe, nor zit hear Meſſe, nor be preſent theirat, under the paine of confiſcatioun of all their gudis movabill, and unmovabill, and puniſhing of their bodyes at the diſcretioun of the Magiſtrat, within quhais Juriſdictioun ſik perſonnis happinnis to be apprehended, for the firſt fault. Baniſhment of the Realme, for the ſecond fault: And Juſtifying to the death, for the thrid fault. And ordainis all Schireffes, Stewards, Baillies, and their deputes, Proveſtes, and Baillies of Burrowes, and uthers Judges quhatſumever, within this Realme, to take diligent ſute and inquiſitioun, within their bounds, quhair ony ſik uſurped Miniſterie is uſed, Meſſe ſaying, or they that beis preſent at the doing thereof, ratifyand, and approovand the ſamin, take and apprehend them, to the effect, that the paines above written may be execute upon them. And therefore of new decernis, and ordaines the contraveneris of the ſamin, in ony tyme heirafter, to be puniſhed according to the paines of the aforeſaid Acte above rehearſed.

6. *Anent the trew and haly Kirk, and of thame that ar declared not to be of the ſamin.*

ITEM, Forſameikle as the Miniſters of the bleſſed Evangell of JESUS CHRIST whom God of his mercie hes now raiſed up amangſt us, or heirafter ſall rayſe, agreeing with them that now livis, in doctrine and adminiſtratioun of the Sacraments, and the peopill of this Realme, that profeſſis CHRIST, as he now is offered in his Evangell, and do communicat with the haly Sacraments (as in the reformed Kirkes of this Realme they are publicklie adminiſtrat) according to the Confeſſioun of the Faith: Our Soveraine Lord, with adviſe of my Lord Regent, and three Eſtaitis of this preſent Parliament, hes declared, and declaris, the foreſaid perſones, to be the onely true and halie Kirk of JESUS CHRIST within this Realme. And decernis and declaris, that all and ſindrie, quha outher gainſayis the word of the Evangell, received and approoved, as the heades of the Confeſſioun of Faith profeſſed in Parliament of before, in the zeir of God 1560. zeires, as alſo ſpecified in the Actes of this Parliament mair particularlie

dois expreſſe, and now ratifyed and approoved in this preſent Parliament, or that refuſis the participatioun of the halie Sacramentes, as they are now Miniſtrat, To be na members of the ſaid Kirke, within this Realme now preſently profeſſed, ſa long as they keep themſelves ſa divided fra the Society of Chriſts Bodie.

7. *Admiſſioun of Miniſters: of laick Patronages.*

ITEM, It is ſtatute, and ordained be our Soveraine Lord, with adviſe of his deareſt Regent, and three Eſtaitis of this preſent Parliament, that the examination and admiſſion of Miniſters, within this Realme, be only in the power of the Kirk, now openlie, and publickly profeſſed within the ſamin. The preſentation of laick Patronages alwaies reſerved to the Juſt and auncient Patrones. And that the Patroun preſent ane qualified perſoun, within ſex Monethes (after it may cum to his knawledge, of the deceaſe of him, quha bruiked the Benefice of before) to the Superintendent of thay partis, quhair the Benefice lyes, or uthers havand commiſſion of the Kirk to that effect; utherwaies the Kirk to have power to diſpone the ſamin to ane qualifyed perſon for that time.

PROVIDING that in caice the Patron preſent ane perſon qualified to his underſtanding, and failzeing of ane, ane uther within the ſaid ſex Moneths, and the ſaid Superintendent or Commiſſioner of the Kirk, refuſis to receive and admit the perſon preſented be the Patron, as ſaid is: It ſall be leſum to the Patron to appeale to the Superintendent, and Miniſters of that Province quhair the Benefice lyis, and deſire the perſon preſented to be admitted, quhilk gif they refuſe, to appeale to the generall Aſſemblie of this haill Realme, be quhome the cauſe beand decyded, ſall take end, as thay decerne and declair.

8. *Anent the Kingis aith, to be given at his Coronation.*

ITEM, Becauſe that the increaſe of vertew, and ſuppreſſing of Idolatrie craves, that the Prince and the people be of ane perfite Religioun, quhilk of Gods mercie is now preſently profeſſed within this Realme: THEIRFORE It is ſtatute, and ordained be our Soveraine Lord, my Lord Regent, and the three Eſtaites of this preſent Parliament, that all Kinges and Princes, or Magiſtrates whatſoever, halding their place, quhilkis hereafter in ony time ſall happen to reigne, and beare ruſe over this Realme, at the time of their Coronatioun, and receipt of their Princely authoritie, make their faithfull promiſe be aith, in preſence of the Eternall God, That induring the haill courſe of their lives, they ſall ſerve the ſamin Eternall God, to the uttermoſt of their power, according as he hes required in his maiſt haly word, reveiled and contained in the new and auld Teſtaments. And according to the ſamin worde ſall mainteine the trew Religion of Chriſt Jeſus, the preaching of his halie word, and dew and richt miniſtration of the Sacraments now received, and preached within this Realme: And ſall aboliſh and gainſtand all fals Religioun contrare to the ſamin: And ſall rule the peopil committed to their charge, according to the will and commaund of God, reveiled in his foreſaide word, and according to the lovabill Lawes, and conſtitutions received in this Realme, na wiſe repugnant to the ſaid word of the Eternall God. And ſall procure to the uttermaiſt of their power, to the Kirk of God, and haill Chriſtian peopill, trew and perfite peace in all time cumming. The richtis and rentis, with all juſt priviledges of the Crowne of SCOTLAND, to preſerve and keip inviolated, nouther ſall they transfer nor alienate the ſamin. They ſall forbid and repreſſe in all Eſtaites, and degries, reiſe, oppreſſion, and all kinde of wrang. In all judgementes, they ſall command, and procure that Juſtice and equitie be keiped to all creatures, without exception, as the Lord and Father of all mercyis, be merciſull to them. And out of their landes and Empyre, they ſall be carefull to rute out all heretikes, and enimies to the trew worſhip of God, that ſall be convict be the trew Kirk of God, of the foirſaidis crymes. And that they ſall faithfullie affirme the things above written, be their ſolemne aith.

9. *Na perſon may be Judge Procurator, Notar, nor member of Court, quha profeſſis not the Religion.*

ITEM, The Kingis Grace with adviſe of my Lord Regent, and the three Eſtaites of this preſent Parliament, ſtatutes and ordainis, that no maner of perſon nor perſons, be received in ony times heiraſter, to bear publike office removabill of Judgement, within this Realme, bot ſik as profeſſis the puritie of Religion and doctrine, now preſentlie eſtabliſhed. And that nane be permitted to procure, nor admitted Notar, or created a member of Court, in any time cumming, without he in likewiſe profeſſe the Evangel, and Religion foirſaid. Providing alwayes, that this Act be on na wiſe extended, to ony maner of perſon or perſones, havand their offices heritablie or in life-rent, bot that they may uſe the ſamin, conforme to their infeftments, and diſpoſitions granted to them thereof.

10. *Anent the thridis of benefices, granted in the Moneth of December, the zeir of God 1561. zeires, for ſuſteining of the Miniſters and uther affaires of the Prince.*

ITEM, Becauſe the Miniſters hes bene lang defrauded of their ſtipendis, ſwa that they ar becummin in great povertie and neceſſity. And notwithſtanding hes continued in their vocation, without payment of

of their ſtipendis, be an great ſpace. Quhair-throw they ar and ſall be conſtrained to leive their vocation without remeid be provided. THEREFORE our Soveraine Lord, with adviſe of my Lord Regent, and the three Eſtaites of this preſent Parliament, hes ſtatute and ordained, that the haill thrids of the haill Benefices of this Realme, ſall now inſtantlie, and in all times to cum, firſt bee payed to the Miniſters of the Evangel of Jeſus Chriſt, and their ſucceſſours. And ordaines the Lords of the Seſſion to grant, and give letteris, chargeing all and ſundrie intromettours, or that beis adebted in payment of the ſamin, to anſwere and to obey the ſaidis Miniſters and their Collectours, to be nominate be the ſaidis Miniſters, with adviſe of my Lord Regent, in forme as effeiris, Notwithſtanding anie diſcharge given be our Soveraine Lordis Mother, to quhat-ſum-ever perſon or perſons, of the ſaid thride, or ony pairt thereof, ay and quhill the Kirk come to the full poſſeſſioun of their proper Patrimonie, quhilk is the teindes. PROVIDING alwayes, that the Collectors of the ſaidis Miniſters, make zeirlie compt in the Checker of their intromiſſion. Swa, that the Miniſters may be firſt anſwered of their ſtipendis, apperteyning to everie ane of them. And the reſt and ſuperplus to be applied to our Soveraine Lords uſe.

11. *The teacheris of zouth ſuld be tryed be the viſitoris of the Kirk.*

ITEM, For-ſa-meikle, as be all Lawes and conſtitutionis, it is provided, that the zouth be brocht up and inſtructed in the feare of God, and gude maneris: and gif it be utherwiſe, it is tinſel baith of their bodies and ſaules, gif Gods word be not ruted in them. QUHEIRFOIRE, our Soveraigne Lorde, with adviſe of my Lorde Regent, and the three Eſtaites of this preſent Parliament, hes ſtatute and ordained, that all Schulis to Burgh and land, and all Univerſiteis and Colleges be reformed: And that nane be permitted nor admitted, to have charge and cure theirof in time cumming, nor to inſtruct the zouth privatlie or openlie: bot ſik as ſall be tryed be the Super-intendentes or viſitouris of the Kirk.

12. *Anent the diſpoſition of Proveſtries, Prebendaries, and Chaplaneries, to burſaris be found in Colleges.*

ITEM, For-ſa-meikle as the zouth is not onelie ſeene to preſerve the commoun weill, bot alſwa of them mon riſe ſik, as after this mon ſerve in the Kirk of God, within this Realme, and to the commoun weill of the ſamin. And becauſe the povertie of many is in ſik ſort, that they may not hald their Children at letteris, quhairby the maiſt part of the zouth of this Realme wantis the guiftis and graces of learning, requiſite to that charge. For remeid heirof: OUR SOVERAINE LORD, with adviſe and conſent of my Lord Regent, and the three Eſtaites of this preſent Parliament, hes ſtatute and ordained, that all Patronis havand Proveſtries, or Prebendaries of Colleges, Alterages or Chaplaneries, at their giftis and diſpoſition, may in all times cumming, at their pleaſure preſent the ſamin to Burſaris, quhom they pleiſe to name, to ſtudie vertew and letteris, within ane College of ony of the Univerſities of this Realme, there to remaine for ſik ſpace, as the Patron foirſaid pleaſis to hald him at vertew and learning, within the foirſaid College, and as ſall be aggried upon be the Patronis of the ſaidis Proveſtries, or Prebendaries, with the Principal and Maiſters of the College of the Univerſities. And after the Patron removeth that Burſar furth of the ſaid College, to preſent ane uther. And ſwa furth fra ane to ane uther, to the effect foirſaid, at the Patronis pleaſure: notwithſtanding ony fundatioun, or confirmatioun paſt, be quhat-ſum-ever authoritie in ony times by-gane. Anent the quhilk our Soveraine Lord, my Lord Regent, and the three Eſtaites of this preſent Parliament, diſpenſis: Swa that the ſaidis Patronis may diſpone their Proveſtries, and Prebendaries, to ſik Burſaris, as they ſall think expedient, als oft as neid beis. Quhilk ſall be na hurt, nor prejudice to their Patronage, notwithſtanding their fundationes, and Confirmationes quhat-ſum-ever, or ony proviſion conteined there-intill. And therefore our SOVERAINE LORD, my Lord Regent, and the three Eſtaites foreſaides, heartelie requeſts all Patrones of Colleges, Prebendaries, and Proveſtries, to graunt and diſpone their Proveſtries and Prebendaries to the Burſaris foreſaidis, in maner above ſpecified. Swa that letters may be authorized, and the zouth ſufficientlie brought up in vertew and learning, to the glory of God, and comfort of the common weill of this Realme.

13. *Anent the filthie vice of Fornication, and puniſhment of the ſamin.*

ITEM, It is ſtatute, and ordained be our Soveraine Lord, with adviſe and conſent of his deareſt Regent, and the three Eſtaites of this preſent Parliament, that gif ony perſon, or perſonis within this Realme, to Burgh or to land, ſall commit the filthie vice of Fornication, and beis convict thereof, that the committeris thereof, ſall be puniſhed in maner following. That is to ſay, for the firſt fault, alſweill the man, as the woman, ſall pay the ſumme of fourtie pundis: Or then baith he, and ſhe, ſall be impriſoned for the ſpace of aucht dayes, their fude to be breade and ſmall drinke. And thereafter preſented to the mercat place of the Towne or Parochin bair-headed, and there ſtand faſtened, that they may not remoove, for the ſpace of twa houres: as fra ten houres to twelve houres at noone. For the ſecond fault being convict, they ſall pay the ſumme of ane hundreth markes, or then the foirnamed dayis of their impriſonement ſall be doubled, their fude to be bread and water allanerlie. And in the end, to be preſented to the ſaid mercat place, and baith the headis of the man and the woman to be ſchaven. And for the thrid fault, being convict thereof, ſall pay

ane hundreth pundis, Or elſe their above impriſonment to be tripled, their fude to be breade and water allanerlie. And in the end, to be tane to the deipeſt and foulleſt pule, or water of the Towne, or Parochin, there to be thriſe dowked, and theiraſter baniſhed the ſaid Towne, or Parochin for ever. And fra thine furth, how oft that ever they be convict, of the foreſaide vice of Fornication, that ſa oft the ſaid thrid penaltie be execute upon them. And that the Proveſt and Baillies of ilk Burgh, the Juſtice general, and his depures, or ſik uthers perſones, as ſall pleaſe our ſaid Soveraine Lord to give commiſſion unto, be Judges to the perſones ſuſpect, and delated of Fornication: and being convict, they ſall liſt and uptake the above written pecunial paines, of the perſones reſponſal, and rather willing to pay the ſamin, nor to be demained in their perſones. And that the ſaidis corporal paines of impriſonment, baniſhing, and uthers above ſpecified, be execute upon all ſik perſones, as outher refuſis to pay the pecunial paines, or that ar not reſponſal to pay the ſamin. And that the ſamin pecunial paines, quhilkis ſall happen to be received, be ſurelie keiped in ane cloſe box, and be converted *ad pios uſus*, in they partis, quhair the cryme is committed, as it ſall pleaſe our ſaid Soveraine Lord, and his deareſt Regent to commande. And the receivers of the ſaid paynes, to be ready to give accompt thereof, quhen ever they ſall be requyred thereunto.

14. *Anent them that committis Inceſt.*

ITEM, For-ſa-meikle as the abhominable, vile, and filthie luſt of Inceſt, is ſa abhominable in the preſence of God, and that the ſamin Eternal God, be his expreſſe word, hes condemned the ſamin, and zit nevertheleſſe the ſaid vice is ſa uſed within this Realme, and the word of God is in ſik ſort contemned be the uſers thereof, that God be his juſt Judgements hes occaſioun to plague the Realme, where the ſaid vice is committed, without God of his mercie be mair gracious, and remeid be provided, that the ſaid vice ceaſe in time cumming. THEREFOIR our Soveraine Lord, with adviſe and conſent of my Lord Regent, and the three Eſtaites of this preſent Parliament, ſtatutes and ordaines, that quhat-ſumever perſon or perſones, that committes the ſaid abhominable cryme of Inceſt, That is to ſay, quhat-ſum-ever perſon or perſones they be, that abuſes their bodie with ſik perſones in degrie, as God in his word hes expreſlie forbidden, in ony time cumming, as is contained in the xviij. Chapter of *Leviticus*, ſall be puniſhed to the death.

15. *Anent lawfull mariage of the awin blude, in degries not forbidden be God in his word.*

ITEM, Our Soveraine Lord, with adviſe and conſent of my Lord Regent, and the three Eſtaites of this preſent Parliament, hes ſtatute, and ordained, that the hailie band of mariage, made be all Eſtaites and ſorts of men and women, to be als lawfull and als frie, as the Lawe of God hes permitted the ſamin, to be done, without exception of perſon or perſones. And hes declared, and declares, that ſecunds in degrees of conſanguinitie, and affinitie, and all degries outwith the ſamin contained in the word of the Eternal God, and that are not repugnant to the ſaid word, might, and may lawfully marry at all times ſen the viij. day of March, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeiris, notwithſtanding ony Law, ſtatute, or conſtitution maid in the contrare. And ratifyis and approvis all the ſaid mariages done ſen the ſaid day. And the bairnis gottin, or to be gottin in ſik Mariage, to be as lauchfull, aſweill toward their ſucceſſioun to landis, heritages, or ony uther liberties, as ony bairnes gottin in Mariage, and to be repute and eſteemed, in all time to cume, lauchfullie gottin, in lauchfull Mariage, notwithſtanding any Lawes, ſtatutes, conſtitutionis, or Actis, maid, or to be maid in the contrare.

16. *Anent ſlaying of Hart, Hynde, and utheris beaſtes and foulis with Culverings.*

ITEM, For-ſa-meikle as there hes bene divers Acts and ſtatutes made of before, that na maner of perſon, nor perſonis ſuld ſchut with Culveringis, Crosbow, or handbow ony time, at Dae, Rae, Hart, Hynde, Hair, Cunning, Dow, Herron or foule of river, under ſpecial pains, conteined in the ſaidis acts and ſtatutes. And notwithſtanding the ſamin, and that na execution hes followed of before, upon the perſones contraveneris of the ſaidis Actes, they ar ſa lichtlie eſteemed, that the ſaidis Beaſtes and Foules, are at all times ſlaine down, and deſtroyed be ſik perſones, that nouther hes regaird to the commoun weill, nor policie of the countrie.

Theirfoir it is ſtatute and ordained, be our Soveraigne Lord, with adviſe of his Regent, and the three Eſtaitis of this Realme, that quhat-ſum-ever perſon or perſonis, of quhat Eſtaite, degree or conditioun that ever they be of, ſchuttis in ony times cumming, with Culvering, Crosbow, or Handbow, at Dae, Rae, Hart, Hynde, Hair, Cunning, Dow, Herron, or foule of river, within this Realme, ſall foirfault and tyne their haill moveabil gudis, that ane halfe thereof to our Soveraine Lordis uſe, and the uther halfe to be applyed to the Judge, and apprehender of him that committis the crime, to bee divided equallie betuixt them. And to that effect, ordainis all Schireffes, Stewardes, Baillies of Regalitie, and all uther ordinar Judges, with ſik uthers, as ſall pleaſe our Soveraine Lord, and his Regent to give power and commiſſion to, to call the contraveneris of this preſent Act, at particular diettis. And gif they be convict of the crime, to eſcheit all their moveabil gudis, to be applyed in maner foirſaid. And gif the committer of the cryme be ane vagabound not

havand

havand gudis, that the Judge, quhom befoir he is convict, keip and hald him in priſon, for the ſpace of fourtie dayis. And that for the firſt fault. And the nixt fault, to cut of his richt hand.

17. *Quhat money ſuld be cunziet: Layed-money ſuld not be cunziet without conſent of the Eſtaitis: Money ſuld not be melted.*

ITEM, For-ſa-meikle as the ordouring of the Cuinzie-hous, and forgeing of money within this Realme, is ane mater of great importance, to the haill lieges thereof, as may appeare bee divers Actis, maide in our Soveraignis Lordis predeceſſouris Parliamentes of befoir. And ſeeing the greate neceſſity now required, for having of gude and ſufficient cuinzie within the Realme, ſeeing the gude Silver, as Teſtones, and uther auld ſilver, is utterlie melted and deſtroyed, ſwa that the unce of ſilver, is at dowbil price, that it wount to be at, within thir late dayis, quhair-throw the Realme is utterlie impoveriſhed be evil Cuinzie. Therefore it is declared, in this preſent Parliament, that our Soveraine Lord, with adviſe of his Regent, may cauſe prent and cuinzie Golde and Silver of ſik fyneſſe, as uthers Countreis dois, to paſſe within this Realme to the lieges of the ſamin. And that na prent nor cuinzie of onie layed money, be maid or cuinziet, in ony time cumming, but adviſe of the three Eſtaites of Parliament. And ſik-like, OUR SOVERAINE LORD with adviſe of his Regent, and the three Eſtaites foirſaidis, ordainis, that na maner of Gold, nor Silver, alreadie cuinziet within this Realme, bee melted, nor broken downe, in the Cuinzie-houſe, or otherwiſe in anie time heirafter, under the paine of confiſcation of the halfe of the guddes of the awner, and melter for the firſt fault. And gif the melter be not reſponſal, to puniſh his perſon at the diſcretion of the Juſtice. And the ſecond fault, confiſcation of their haill gudis.

18. *The Lordis of Seſſion ar Judges to all Infeftmentes and giftes graunted, or confirmed in Parliament.*

ITEM, Anent the petition proponed be the Senatoures of the College of Juſtice, beirand that there is divers perſones, that hes perſewed Actiones before them, for reduction of infeftmentes, quhilkis ar confirmed be our Soveraine Lordis Predeceſſoures, quhilkis ar granted and confirmed in Parliament. And againſt the ſamin it is alledged, that the ſaidis Senatoures are na wiſe Judges competent, to the reduction of ony ſik infeftment.

Quhairfoir the ſaidis Senatoures hes referred the declaration, whither they be Judges competent, to ony ſik reduction or not, to our Soveraine Lord and the three Eſtaites of Parliament. And therefore deſiring the ſenſement, and declaration of this preſent Parliament, quhat they ſall do there-anent: OUR SOVERAINE LORD, with adviſe of his Regent, and the three Eſtaites of this preſent Parliament, declairis the ſaids Senatouris of the College of Juſtice, to be Judges competent, to the reduction of all ſik infeftmentes, as ſaid is, notwithſtanding quhat-ſum-ever confirmation, or grant of Parliament paſt thereupon.

18. *Anent ſchutting, and beaping of Culveringes and Dagges.*

ITEM, For-ſa-meikle as be the uſe of Culveringes, Dagges, Piſtolettes, and ſik uther ingines of fire-warke, ar not onlie of the lovabil conſtitutions of this Realme, in ſlaying of wilde beaſtes, and foules forbidden, but als divers our Soveraine Lords lieges, ar ſchamefullie and cruellie murthered, ſlayne, and hurt, quhilkes utherwiſe wer abill, to make defence ſufficientlie for themſelves, at all times of perſure, as hes bene laitlie ſeene within this Burgh of *Edinburgh*. And for eſchewing and remeid thereof in time cumming: It is ſtatute and ordained be OUR SOVERAINE LORD, with adviſe and conſent of his Regent, and the three Eſtaites of this preſent Parliament, that na maner of perſon, nor perſones, of quhat-ſum-ever eſtate, degree, or condition they be of, ſchutt with Culveringes, Dagges, Piſtolettes, or any uther Gunnes, or ingines of fyre-warke, in any part of this Realme, nouther to Burgh nor to land (except ſik, as for paſtime will ſchutt within their Inner-clois, and zaird adjacent thereto, and Marinerres, and ſik as hauntes the Seas, being actuallie upon the ſamin, for defenſe of their bodies and gudes) under the paine of cutting of their right hand. And ſik-like, that na maner of perſon, nor perſones, of quhat-ſum-ever eſtate, condition or degree they be of, beare, weare, or uſe onie Culveringes, Dagges, Piſtolettes, or anie uther ſik ingine of fire-wark, upon their perſones, or in their cumpanie with them privatlie or openlie, outwith houſis, without licence of our Soveraine Lorde, and his Regent had, and obteined thereupon, under the paine foreſaid. PROVIDING alwayes, that the Capitanis, and men of weir, ſerving our Soveraine Lord, and his Regent foreſaide, actuallie in his highneſſe wages, nor zit the Liegis of this Realme, aſweill in Regalitie, as Royaltie at weapon-ſchawings. Nor the Proveſtes, Baillies, and inhabitantis of the Burgh of *Edinburgh*, or utheris Burrowes of this Realme, charged be our Soveraine Lordis authoritie, to aſſemblies, weapon-ſchawingis, and conventionis, for furth-ſetting of his highnes ſervice and affaires, in the time thereof: nor zit nane of our Soveraine Lords liegis in their cumming, remayning, or departing to and fra ony hoſtes, weiris, armies, raidis, weapon-ſchawingis or aſſemblies, being ſpeciallie and expreſſelie commanded and charged, to that effect be his Hieneſſe letters, and authoritie, Wardanes meittand at dayes of trews. And ſik-like they that ar followand thieves, in defence of ſteilling of Leill mennis gudis, and in reſcours thereof, ſall not be comprehended under this preſent Act.

19. *Falſe*

19. *Falſe Cunzie ſuld be clypped.*

ITEM, For-ſa-meikle for the aboliſhing of great quantitie of falſe cunzie, quhairwith the common weill of this Realme is greatlie troubled, to the heavie damnage, and skaith of the haill lieges thereof: THEREFOIRE, It is deviſed, ſtatute, and ordained, be our Soveraigne Lorde, with adviſe of his Regent, and the three Eſtaites of this preſent Parliament, that certaine men of Judgement, having underſtanding of cunzie, be choſen and elected, within everie Burgh of this Realme. Quha being ſworne thereto, all ſummes of money ſall bee delivered in their preſence, and quhair ever they apprehend, or finde any falſe money, to clip the ſamin. And the deliverer to tyne the ſaid falſe money, and the clipper to have ane penny of iſk pound, for his labouris of the receiver of the money, quhilk ſall be received. And to that effect, ordaines the Proveſt and Baillies, and all uthers officiaris of Burrowes, to make ſufficient clipping houſes, in ſik places of their Burgh, as ſall be ſufficient for the premiſſes. And the perſonis, quhom to they commit that charge, that they be abill to anſwer for their office in that behalfe.

20. *Approbation of giftis of benefices and penſionis, ſen the Moneth of Auguſt* 1560. *zeirs, granted and given, be our Soveraine Lordis Mother.*

ITEM, It is found, declared, ſtatute, and ordained, be our Soveraine Lord, his Regentes Grace, and the three Eſtaites of this preſent Parliament, that all giftes and proviſionis of benefices elective, penſionis, or uthers quhat-ſum-ever, given and diſponed under the privie ſeill, be the Queens Grace, our Soveraigne Lordis Mother, in her Reigne, ſen the Parliament halden, in the zeir of God 1560. zeiris, unto the Coronation of our ſaide Soveraine Lord, were, ar, and in all time cumming ſall be, to the poſſeſſouris, be vertew thereof; lauchfull, full, and perfite tytles and richtis, and als vailzeabil in all reſpectis, quhair ever they be produced, as gif the ſaidis proviſionis, and giftis had paſt upon ſupplicationis, direct to the Court of *Rome*, and Bullis paſt thereupon, in maiſt ample forme.

Providing, that this preſent Act be not prejudicial to the Act of ſecreit Councell, granted in favouris of the Miniſters, anent the giving to them of all benefices, within zeirlie rent of three hundreth markis, ſen the dait of the ſaid Act, nor zit be prejudicial to laick Patronages.

21. *Anent thieft, and receipt of thieft, taking of priſoneris be thievis, or bandis for ranſomis, and puniſhment of the ſamin.*

ITEM, Anent the Artickle proponed be the Barronnes, Free-halderis, and Inhabitantes of the Schiredomes of *Selkirk*, *Roxburgh*, *Lanark*, *Peblis*, *Dumfreis*, *Edinburgh*, and utheris inhabitantis of the remanent Schires of this Realme: beirand, that it is not unknawin of the continual thieft, reif, and oppreſſion, committed and done, within the boundis of the ſaidis Schiredomes, be thieves, traitouris, and utheris ungodlie perſones, havand nouther feare of GOD nor man, and ſpeciallie in thir troublis, be receipteris, fortifieris, and mainteneris of the ſaidis evil given perſonis, amangis the inhabitantis and indwelleris of the ſaidis Schiredomes *reſpective*, within divers partis of the ſamin, quhilk is the chiefe cauſe, and fortification of the ſaid thieft. And ſik-like, that the thieves, and broken men, inhabitants of the ſaidis Schiredomes, and utheris boundis of the marches of this Realme, foirnentis the partis of *England*, not onlie committis daylie thieftis, reiffis, heirſchippes, murtheris, and fyre-raiſings, upon the peaceable ſubjects of the countrie: bot als takis ſindrie of them, deteinis them in captivity as priſoners, ranſoumis them, or lettis them to borrowis for their entrie againe. And in like maner, divers ſubjects of the Inland, takis and ſittis under their aſſurance, payand them black-maill, and permittand them to reif, herrie, and oppreſſe their Nichtbouris, with their knawledge, and in their ſicht, without reſiſtance or contradiction. For eſchewing and ſtopping of the quhilkis inconvenientis foirſaid:

IT Is ſtatute and ordained, be our Soveraine Lord, his deareſt Regent, and the three Eſtaites of this preſent Parliament, that quhat-ſum-ever perſon, or perſones, receiptis, fortifyis, mainteinis, or givis meate, harbourie, or aſſiſtence to any thievis in their thifteous ſtealling, and deedes, outher in their cumming thereto, or paſſing therefra, at any time cumming, or intercommonis, or tryſtis with them to that effect, any maner of way, without licence of the keeper of the countrie, quhair the thief remaines, had thereto, to the effect it may be knawin, for quhat purpoſe they intercommoned with the ſaidis thieves within xlviij. houris after, or before the committing of the ſaid cryme, that the receipter, fortifier, maintener, aſſiſter, meat-giver, and intercommoner with ſik perſones, ſall be called therefore at particular diettis criminally, as airt and pairt of their thifteous deidis, or utherwayis civilie at the inſtance of the partie offended upon 15. dayis warning allanerlie, without diet or tabill. And als that the Schireffis of all Schires, Stewartes, Baillies of Regalitie, and their deputes, and all uther Judges ordinar, at every head Court, put the ſaidis maters to the inquiſition of ane aſſyſe of the countrie, at the deſire and complainte of the partie, and as beis foundin, to report the ſamin to the Juſtice, Juſtice Clerk and their deputes, within 15. dayis nixt after the matter be tryed. Swa that this preſent Act and ſtatute, may be put to execution upon them, as the ſaidis Schireffes, Stewartes, Baillies of Regalitie, and Judges ordinar foirſaidis, will anſwer to our Soveraine Lord, and his deareſt Regent, upon the execution of their office: And alſwa for eſchewing of the ſaid great,

great, continual, and odious crimes and offenſes, and pacifying of the lieges in all partis oppreſſed within this Realme, and for the commoun weill thereof,

It is ſtatute and ordained that na theif, take ony Scottiſman, at onie time heireafter, under the paine of treaſon and leſe-majeſtie. And that nane of our Soveraine Lordes trew and faithfull liegis, quhilks have bene takin be the ſaids thieves and broken men, ſall be halden to enter to them, notwithſtanding ony band given for their entrie, diſcharging them and their ſoverties *ſimpliciter* in that behalfe. *Thievis may not take leil-men, or ranſoms them.*

And gif ony of the ſaidis thievis callis or charges the principal men takin be them, or their ſoverty for their entres, for paymente of the paines conteined in the bands, or ony parte thereof, be ranſoum or band, not payed to the ſaids thieves, outher bygane or in time cumming, they ſall (be the doing of the ſame) incurre and underlie the paines of treaſoun, and leſe-majeſtie foirſaide.

And als that our ſaid Soveraine Lordis faithfull, and obedient ſubjectis, quhilkis heirefter ſall happin to take and apprehende ony of the ſaidis thievis, in their paſſing to committe thieft, or in the actual doing thereof, or in their returning therefra, on na wiſe let them to libertie and freedome, bot preſente them before the Juſtice, and his deputis in the Tolbuith of *Edinburgh*, within fifteene dayis after their apprehenſion, gif their takeris (havand power) Juſtifye them not to the death themſelfis. And als that nane take aſſurance, or ſitte under aſſurance of the ſaidis thievis, or pay them blak maill, or give them meate, drinke, receipt, maintenance, or ſupply in their thifteous deidis in time cumming, under the paine of death, and confiſcation of all their gudis movabil. And in like maner, quhen ony thieves repairis in ſteilling or reifing, within the Incountrie, that all our Soveraine Lordis liegis, dwelland in the bounds, quhair they reſort; riſe, crye, raiſe the fray, and follow them, alſweill in their cumming as outpaſſing, on horſe and fute, for redding and recovering of the guddis ſtollin and reft, & apprehending of their perſones to be brocht to Juſtice, and concurre with the awners of the guddis, and uthers followers to that effect, under the paine to be halden partakers of the ſaid thift. And quhaſoever beis ſuſpected, or delated to doe in the contrare, that the Juſtice Clerke grant letters, at the inſtance of any partie, for calling of them to underly the Law therefore, at ane particular dyet, complenand upon the premiſſes, or ony poynt thereof. Or accuſe them, for the ſamin at general Juſtice airis, executand the paines conteined in this preſent Act, againſt the contraveneris thereof, but favour or delay. And gif it ſall happen ony open notorious thief, to reſort, or cum to ony maner of perſonis houſe, it ſall be lawfull to the awner of the ſaide houſe, to take and apprehend that thief, without reproch or diſhonour, and bring him to the Juſtice, to be puniſhed conforme to the Lawis. *Leil-men ſuld preſent thievis to the Juſtice.* *Thieves ſuld be followed with ane crie.*

22. *That na horſe be caried furth of the Realme, as common Merchandice.*

ITEM, For-ſa-meikle as albeit there was divers Actes and ordinances maid of before, inhibiting the carying of ony Horſe foorth of this Realme, zit thir twa zeiris laſt bypaſt, divers perſones, partlie under pretence of priviledges and licences: and partlie without ony leiſe, hes tranſported Horſe foorth of this countrie, to *Bourdeaux*, and utheris partes bezond ſea, and maid an common trade and mercat thereof, to the great skaith of the common weill, and rayſing of dearth of Horſe, gif remeid be not provided.

THEIRFOIR, It is ſtatute and ordained, by the Kings Grace with adviſe of his deareſt Regent, and the three Eſtaites of Parliament, that nane of the liegis of this Realme, take upon hand, privatlie or openlie, to carry or tranſport foorth of the ſamin by Sea, ony maner of Horſe in time cumming. And in likewiſe, that na skipperis and maiſteris of Schippis, indwelleris of this Realme, or ſtrangers, receive within their Schippes ony Horſe, to bee tranſported to uther Countreis, under the paine of confiſcation of the Horſe, Schippes and remanent guddis movabil, of the tranſporteris, and puniſhing of their perſones, at the Kingis Majeſties will, and his ſaid Regentis.

23. *The denunciation of the Rebellion ſuld preceid the gift of eſcheit.*

ITEM, Our Soveraigne Lorde, with adviſe and conſent of his deareſt Regent, and the three Eſtaites of this preſent Parliament, hes ſtatute and ordained, that in all times cumming, na gift of eſcheit paſſe, with this clauſe following, (Or quhen it ſall happen the offendar to bee denunced rebell, and put to the horne) bot that the horning, be execute befoir the gift of the eſcheit bee diſponed, utherwiſe the gift of eſcheit to be of nane effect.

24. *Anent priviledges granted to Kirk-men.*

ITEM, Our Soveraine Lord, with adviſe and conſent of his Regent and the three Eſtaites of this preſent Parliament, hes ratified, and ratifies, all civil priviledges, granted and given be our Soveraigne Lordis Predeceſſouris to the ſpiritual eſtate of this Realme, in all poynts, after the forme and tenour thereof.

25. *The ratification of the priviledge of the Barronnes.*

ITEM, Our Soveraine Lord, with adviſe and conſent of his deareſt Regent, and the three Eſtaites of this preſent Parliament, hes ratified and appreved, all priviledges, and liberties, granted and given to the

Nobilitie and Barronnes of this Realme, and actes of Parliament, made in their favouris, and ordainis the ſame to be put to execution in all poyntes, after the forme and tenour thereof.

26. *Anent priviledges granted to Burrowes.*

ITEM, Our Soveraigne Lord, with adviſe of his Regent, and the three Eſtaites of this preſent Parliament, hes ratified and appreved, and be thir preſentes ratifies and appreves, all Actes and conſtitutiones of Parliament, maid bee quhat-ſum-ever our Soveraine Lordis predeceſſoures of befoir, in favouris of the Burrowes and Burgeſſes of all this Realme, inhabitantes of the ſamin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie ane of them, in ony times by-paſt. And decernis and declaris, the ſamin to have full ſtrength, force, and effect, in all times heirafter, ſwa that the ſamin may be put to full and dew execution in all poyntes, and to ſtand as ane perpetual Law to them and their ſucceſſouris.

27. *Saiſings within Burghs, ſuld be given be ane Baillie, and the Clerke.*

ITEM, For-ſa-meikle as the great hurt, done of befoir within Burgh, be giving of ſaiſingis privatlie, without anie Baillie, and ane common Clerke of Burgh, quhair-throw our Soveraine Lordis liegis, may bee defrauded greatlie: THEIRFORE it is ſtatute, and ordained be our Soveraine Lord, with adviſe and conſent of his Regent, and the three Eſtaites of this preſent Parliament, that na ſaiſing be given within Burgh of ony maner of land, or tenement within the ſamin, in ony time cumming, bot be ane of the Baillies of the Burgh, and common Clerke theirof. And gif ony ſaiſing beis utherwaies given heirafter to be null, and of nane availl, force nor effect.

28. *Anent the declaratioun of the Commiſſeris, how they ſall proceid in beneficial materis.*

ITEM, Anent the Artickle proponed be the Commiſſeris of EDINBURGH, beirand thar there is divers and ſundrie beneficial Actiones depending before them, upon the richt and propertie of the Benefices. Quhairein the ane part hes their proviſioun of the gift of the Queene, and the uther of the ordinar, partlie bee dimiſſioun in his handes, partlie be collation, as vacand. And ſum given be the ordinar, with the Queenes confirmation thereupon, and that ſen the reformation of the Religion. And therefore deſiring the determination to be given to them, quhilk of the gifts ſall have place in time by-gane, ſen the ſaide reformation, as alſwa in time cumming. Our Soveraine Lorde with adviſe of his Regent, and the three Eſtaites of this preſent Parliament, hes decerned and declared, and decernis and declaris, that the ſaidis Commiſſeris, ſall at all times proceede, and miniſter Juſtice in the ſaidis cauſis, be vertew of all giftis and diſpoſitions, granted and given be our Soveraine Lords deareſt Mother, ſen the Moneth of Auguſt, the zeir of God, ane thouſand, five hundreth, threeſcoir zeiris, and na utherwiſe. And ſik-like, conforme to the giftes, to be granted be our Soveraine Lord, and his Regent hereafter. And ordainis all giftis, and diſpoſitions, given be her, ſen the ſaid time, to have place, and to proceide according thereto, but prejudice to the benefices of the laick patronages, quhilkis ar not comprehended in this Act.

29. *Malt-men ſuld not have ane Deakon.*

ITEM, It is ſtatute and ordained, be our Soveraine Lorde, his Regent, and the three Eſtaites of this preſent Parliament, for the common weill of this Realm, that there be na Deakon of Craft of Malt-men, outher to Burgh or to land, or ony uther part within this Realme. And gif ony writing, gift, or priviledge be given ony time befoir: Our Soveraine Lorde, with adviſe of his Regent, and the three Eſtaites foirſaidis, decernis and declaris the ſamin to have bene fra the beginning, and to be in all time cumming null, and of nane availl, force nor effect. Sa that it ſall never be leſum to ony of the Malt-men of this Realme, to have Deakons, bot to be repute na Craft.

30. *Anent black fiſh, cutting of greene-wood, and ſlauchter of Smoltes.*

ITEM, It is ſtatute and ordained, be our Soveraine Lord, be adviſe of his Regent, and the three Eſtaites of this preſent Parliament, that the Acts of Parliament, made be our Soveraine Lordis Predeceſſours of befoir, anent the ſlauchter of black fiſhe, Smoltes, and cutting of greene-wood, be put in execution in all poyntes. And that, the paynes be execute upon them with all extremitie, and with this addition: That all Judges ordinar, alſweill in Regalitie as Royaltie, and ſik utheris, as ſall pleaſe our Soveraine Lord, and his Regent to give power and commiſſion to that effect, to take up dittay of the perſons contravenaris of the ſaidis Actis, and hauld twa Courts ilk zeir, that is to ſay, ane Court at Paſche, and ane uther at Martinemeſſe, for puniſhmenr to be maid, in maner foirſaid. (Providing alwaies, that this preſent Act be na wiſe extended to the ſlaying of reid fiſche in the water of *Tweede*) and quha beis convict of the ſaid crime, ſall pay the paines conteined in the ſaid Act. And als ſall finde caution, to pay an hundreth pundis, als oft as he contravenis the ſaidis Acts, to be applyed to our Soveraine Lordis uſe.

31. *Anent*

31. *Anent abrogating of all actes contrarie to the Religioun.*

IN The Parliament halden at *Edinburgh*, the 19. day of April, the zeir of God 1567. zeiris. The quhilk day, the Queens Majeſtie having conſidered the Eſtate of hir Majeſties Realm, that it ſtude at, the time of hir arrival furth of *France*, and zit preſently ſtandis at. Foirſeing alſwa the common weill of hir countrie greatumlie to be increaſed, and eſtabliſhed be the keiping of the common peace and quietnes, amangs all her ſubjects: and like as hir hienes ſen hir foirſaid arrival, hes attempted nathing contrare the eſtate of religion, quhilk her Majeſtie fand publiklie and univerſallie ſtanding, at hir arrival foirſaid, quhair by hir Majeſtie is maiſt worthy to be ſerved, honored, and obeyed. Richt ſa hir Hienes intends to continw in the ſamin gudnes and governement, in all times cumming, quhairby all her gude ſubjects, profeſſouris of the religion foirſaid, ſall have occaſion to praiſe God, for her gude, happy and gratious governement. And to crave of God fra the bottom of their hearts, that he wald of his infinit gudnes, proſper and blis hir Majeſtie and hir poſterity, with lang life, gude and happy governement, to rule and reigne over them. And to the effect alſwa, that all hir Hienes gude ſubjects, profeſſouris of the religion foirſaid, may aſſure themſelves to be in full ſuretie therof, and of their landis, lives, benefices, dignities, juriſdictions, priviledges, guddis, fame, and honouris in time cumming. And with the better will jeoparde and hazard their lives and guddes in her Hienes ſervice, againſt all enemies to hir Majeſtie, and to the commoun weill of this Realm at all times neidfull as their predeceſſours hes maiſt frankly done heirtofoir. And that without fear of any paine, puniſhment, tinſell of landis, benefices, and guddis, for profeſſing, exercing and uſing of the ſaid religion, in times by-gane, and to be impute unto them, or their aires, notwithſtanding any lawes, actis, and conſtitutionis, canon, civil or municipal, or uther quhat-ſum-ever ordinance heirtofoir inſtitute in the contrare. And for their great ſurety foirſaid, our Soveraine with the adviſe of the haill three Eſtaites of this Parliament, hes thocht neidfull, and convenient to diſpenſe, caſſe, abrogat, and annull, like as her Majeſtie preſently diſpenſis, caſſis, abrogatis, and annullis all and quhat-ſum-ever lawis, acts and conſtitutionis, canon, civil, or municipal with all other conſtitutions and practicks penall, introduced contrair to the foirſaid religion and profeſſors of the ſamin: and ordainis them, and their poſterity, in all times to cum, to be free, and exeemed from all paine corporal, infamie, reproch, depriving fra benefices, dignities, or offices, or uther crime or paine quhat-ſum-ever, that may be incurred, or imputed to them, be vertew of the ſaidis acts, lawes, ordinances, canon, civil or Municipal, and practicque, for contravening of the ſamin: renunceand the ſamin, and ſtrength therof, in favoris of our ſaidis ſubjects, to the effect foirſaid. And ſik-like, the Queenis Majeſtie of her authoritie royal, granted to hir be God, with the adviſe of the three Eſtaites foirſaidis, takis to hir ſelfe, and her poſteritie, all her gude ſubjects, their benefices, lands, offices, guddis, and honouris, to be under ſure ſaifgard, maintenance, protection, and defence perpetually, againſt quhat-ſum-ever forreine authority, power, juriſdiction, and perſute be it Eccleſiaſtical or temporal. Eximand hir foirſaidis ſubjects, fra all comperance, ſummoning or obedience, pretended heirafter againſt them, for the cauſes foirſaidis. Be quhat-ſum-ever forreine perſon, or uther pretendand juriſdiction, or authoritie throw them: Willing hir ſubjects to dwell in perpetual ſecurity, and quietnes within this Realme, be making of their maiſt humble and faithfull obedience to hir Hienes and hir poſterity, in all times cumming heirafter allanerly. Like as alſwa her Majeſtie (God willing) in times convenient, ſall take further ordour, in all uther poynts, concerning the eſtate of Religion, as may beſt ſerve for the glorie of God, commoun weill of this Realme, and continuing of commoun peace and quietneſſe univerſallie amangis all her ſubjects. Commanding them, and everie ane of them, in all times heirafter, to keip mutual, perfite, and maiſt heartie kindneſſe, love, friendſhip, and Nichtbourhead, ilke ane to uthers, under all hieſt paine and charge, that heirafter may follow, for breaking of this preſent Act of Parliament, and her Majeſties maiſt lawfull commandement.

32. *Anent the prenting of the Acts, maid in this preſent Parliament, and of the Act maid in our Soveraines Grandſchirs time, anent the rayſing of fire and burning.*

ITEM, The xxix. day of December, the zeir of God, 1567. zeires, quhilk was the laſt day of this Parliament, the ſamin being continued, to the xj. day of Julij nixt-to-cum: Our Soveraine Lord, with adviſe of his Regent, and the three Eſtaites of Parliament, hes ordained, and ordainis, all and ſindrie the foirſaidis Acts of Parliament, to be authenticklie imprented: As alſwa, ordainis the Act of Parliament, maid in our Soveraine Lordis umquhile deareſt Gudſchirs Parliament, halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeiris, made anent burning of houſes, and utheris ſpecified therein, to be alſwa imprented. Swa that nane of our Soveraine Lordis liegis, may pretend ignorance of the ſamin.

33. *Anent the rayſing of fire, and burning.*

ITEM, In the Parliament halden at *Edinburgh*, the xij. day of November, the zeir of God 1526. zeires. The quhilk day, Anent the Artickle of ſlauchteris, murtheris, burning: IT IS ſtatute and ordained, that the acts maid thereupon of before, and the auld Lawes be keiped, with this addition, that quha cummis and burnis folkis in their houſes, and cornes, and wilfull fyre-rayſing, be treaſon, and leſe-majeſtie, becauſe ſik deides ar exorbitant, and mair againſt the common weill, then uther crymes. And particular Juſtice aires, or general Juſtice aires, be ſet thereto, as ſall pleis the Kings Majeſtie, his Councel, and

the Juſtice for the time, with their conſent. Providing, that it ſall be leſum, to ony man to perſew, and follow common thieves, and rebellis to take them. And gif they enter in houſes, that it ſall be lawfull to invade, break or deſtroy the ſaidis houſis, be fyre or utherwiſe, to the intent and effect of taking, or ſlaying of the ſaidis thieves, or rebelles, for the quhilk there ſall follow upon the doeris, na paine, accuſation, cryme, bot to be free theirof at all times.

FINIS.

ACTS Omitted in this Firſt PARLIAMENT OF KING JAMES THE SEXT.

ANent the dimiſſion of the Crown in favoures of our Soveraine Lord, and his Majeſties Coronation.
Anent the juriſdictioun of the Kirk.
Anent the Act of Parliament maid of befoir of the declaratioun of our Soveraine Lordis Mother perfite age.
Anent the retentioun of our Soveraine Lords Mother in priſon.
The declaratioun of Parliament maid to the Laird of Lochlevin, Anent the keeping of the Kingis Mother in the houſe and fortalice of Lochlevin.
A commiſſion to certaine Lordes of the Eſtaites, to conſider ſik Artikles as ar committed to them, and to report the ſamin againe in the nixt Parliament.
Anent the reſidence and ſitting of the Lords of Seſſioun for miniſtratioun of Juſtice.
Anent the demoliſhing of the Caſtel of Dumbar, and Forte of Inchekeith.

FINIS.

THE

THE SECOND PARLIAMENT OF KING JAMES THE SEXT,

Halden at Striviling, *the 28. daie of Auguſt, 1571. and the fifth zeir of his Reigne: Be his Gudſchir of gude memorie, MATTHEW Earle of LENNOX, &c. And ended the 7. day of September followand theirafter, be JOHN Earle of MAR, &c. Regents to his hieneſſe, Realme and lieges.*

34. *Anent the nomination, election, acceptation, and approbation, of the Earle of MAR in Regent.*

IT IS found, declared, and decerned, be our Soveraine Lord, with adviſe of the three Eſtaites, and haill body of this preſent Parliament, that the nomination, conſtitution, election, and ordination of the Nobill & michtie Lord, *John*, Earle of MAR, Lord ERSKIN, &c. in Regent to our Soveraine Lord, this his Realme and liegis theirof, during the time of his Majeſties minoritie and leſſe age, ſpecified and expreſſed in the Queene his hieneſſe mothers letters, under hir ſubſcription and privie-ſeale, of the dait the xxiij. day of Julij, the zeir of God, 1567. zeiris. Togidder alſwa with the conſent, and approbation of the Earles, Lordes, Prelates, Commiſſioneres of Burrowes, Barronnes, and utheres faithfull ſubjects, conveened and aſſembled to that effect. And the acceptation of the ſaid office of Regentrie be the ſaid Earle of MAR, upon the vj. daye of *September* inſtant, wes, is, and in all time cumming ſall be halden, repute, and eſteemed lauchfull, ſufficient, and perfite. And all, and quhat-ſumever things quhilkes he hes done, be vertew of his ſaid office of Regentrie, ſen his acceptation theirof, or quhilkes he ſall do heiraſter, in our Soveraine Lordis name and authoritie, during the time of his hieneſſe minoritie, ſpecified in the ſaid Commiſſion, to be als dewlie, lauchfullie, ſufficientlie, and richteouſly done, and to have als great availl, ſtrength, force and effect, in all reſpects and conditions, as ony thing done, be quhat-ſumever Regentes, Governers, or Protectoures of this Realme, in the minorities and les ages of ony uthers native Princes of the ſame. And ratifies, appreves, and confirmes the ſame nomination, election, conſtitution, and acceptation for now, and in time cumming.

35. *Ratification of the freedome, and libertie of the trew Kirk of God.*

ITEM, Our Soveraine Lord, with adviſe and conſent of his ſaid Regent, the three Eſtaites, and haill bodie of this preſent Parliament, hes ratified, and be this preſent acte ratifies and appreves, all, and quhat-ſumever actes, and ſtatutes made of befoir, be our Soveraine Lord, or his predeceſſoures, anent the freedome and libertie of the trew Kirk of God, and Religion, now publicklie profeſſed within this Realme.

36. *Anent Alienationes, and diſpoſitiones of perſones forefalted for the ſlauchteris of our Soveraine Lordis Father, or Regentes.*

ITEM, It is decerned, and declared be our Soveraine Lord, with adviſe of his Regentis Grace, and the three Eſtaits, that all Alienationes, Reſignationes, dimiſſiones, and uthers diſpoſitiones quhat-ſumever, maid or to be maid, be any perſon, or perſones convict, or that heiraſter ſall happen in ony wiſe to be convict, or forefalted for airt and pairt of the treaſonabill murtheres, and ſlanchteris of umquhile our Soveraine Lordis deareſt Father, or Regentis, of quhat-ſumever landes, heritages, offices, benefices, rowmes, or poſſeſſiones, ſen the times *reſpective*, fra the committing thereof, ar, and ſall be null of themſelves, and of nane availl, ſtrength, force, nor effect in all times cumming, with all that followed, or ſall happpen to follow thereupon.

37. *Anent the Vaſſalles and free tennentes, of ſik as ar forefalted in this Parliament.*

ITEM, It is ſtatute, ordained, and declared in plaine Parliament, be our Soveraine Lord, with adviſe and conſent of his ſaid Regent, three Eſtaites, and haill bodie of this preſent Parliament, that all perſones, our Soveraine Lordis trew and faithfull ſubjectes, quhilk hes ſerved, and ſerves his hienes, in maintenance of his authoritie: having landes, heritage, annual-rentes, life-rentes, penſiones, or poſſeſſiones quhat-ſumever, halden of ony perſones, called and forefalted in this preſent Parliament, of quhat-ſumever crymes of treaſon, and leſe-majeſtie, ſall bruik and joys their tenandries quhat-ſumever, notwithſtanding the forefalting of their ſuperiouris theirof, and hald the ſamin of their nixt immediat ſuperiour.

Providing alwaies, that in-caſe ony of the ſaidis Vaſſalles, or utheris that ſall happen to claime ony benefite, be vertew of this Act, at ony time heirafter, make defection fra our Soveraine Lordis authoritie, & obedience, or cum in the contrair theirof, that they, nor nane of them ſall have, nor bruike the priviledge, and benefite of this preſent Act, and the ſamin ſall na wiſe be extended unto them.

38. *Anent Landes, rowmes, and poſſeſſions halden of Frieres, or Nunnes within this Realme.*

ITEM, For-ſameikle as there ar diverſe lieges, and ſubjectes of this Realme, quhilkes hes ſundrie landes, rowmes and poſſeſſiones, obteined be them, or their predeceſſouris, in fewe and heritage, of the Prioures or Prioreſſes, Motheres, and Conventes of ſundrie Frieres and Nunnes places, within this Realme, halden of them and their ſucceſſoures. And now ſen the reformation of Religion the ſaidis ſuperioures, ar for the maiſt part deceaſſed, and na uthers placed, nor to be placed in their rowmes, ſwa that within ſchort ſpace, they ſall all decay, quhairthrow the airis of the ſaidis feweris, and uthers heritable tennentes of the ſaides places, ſall get na entrie to their lands and heritages, halden of Frieres and Nunnes. For remeid thereof, it is ſtatute and ordained in this preſent Parliament, that all perſones, feweris or heritabill tennents of ſik Frieres and Nunnes places, and their aires after the deceaſe, decay or inlaik of their ſaid ſuperiours, hald, and ſall hald their fewes, and tenandries of the ſamin, of our Soveraine Lord, and his ſucceſſoures, in all times cumming ſik-like, and as freely as they held the ſamin, of the places foirſaidis, Prioures, Prioreſſes, or uthers being theirin for the time. And the few mailles ſervices and dewties ſpecified, and conteined in their infeftments, to perteine to our Soveraine Lord, and his ſucceſſours, to be intrometted, uptaken, and diſponed at their pleaſure. And that the aires of the ſaidis fewares, and heritabill tennentes foirſaidis, ſall enter to their fewes and tenandries, be brieves of our Soveraine Lordis Chappell ſik-like, and als freelie, and in the ſamin maner as the fewares, and heritabill tennentes of our Soveraine Lordis propertie, in all times cumming.

39. *Anent alienationes, and uthers diſpoſitiones, maid be ony Burgeſſes, within this Realme, that hes maid defection, fra the Kings authoritie.*

ITEM, Our Soveraine Lord, with adviſe and conſent of his ſaid Regent, the three Eſtaites, and haill bodie of this preſent Parliament, hes ſtatute, ordained, decerned, and declared, that all and ſundrie alienations, reſignations, and uthers diſpoſitions, quhat-ſumever maid, and given in ony wiſe, be ony perſones Burgeſſes, or inhabitantes, within the Burgh of *Edinburgh*, or ony uthers Burrowes of this Realme, quhilks hes maid defection fra our Soveraine Lordis authoritie, and aſſiſted and taken part with the conſpiratours, declared Traitours, to ony perſon or perſones, ſen the committing of the ſaidis crimes be them, or ony of them, of quhat-ſumever their landes, heritages, offices, takkes, ſteadinges, rowmes or poſſeſſions quhat-ſumever, ar and ſall be in time cumming, null in themſelves, and of nane availl, ſtrength, force, nor effect.

40. *That na ſchippes ſaill, without our Soveraine Lordis Cocquet.*

ITEM, It is ſtatute and ordained, be our Soveraine Lord, his Regent foirſaid, the three Eſtaites, and haill body of this preſent Parliament, that na Schippes paſſe foorth of this Realme, to the Realme of *France*, or ony others pairtes, without our Soveraine Lordis Cocquet.

41. *Anent Kirk-men that happinnis to be ſlaine in our Soveraine Lordis ſervice, in defenſe of his hienes authoritie.*

ITEM, Our Soveraine Lorde with adviſe of his Regents Grace, the three Eſtaites, and haill body of this preſent Parliament, hes ſtatute and ordained, that in caſe ony our Soveraine Lordes trew lieges, beneficed men happinnis to be hurt, ſlayne or wounded to the death, and thereafter of the ſaidis hurtes, or woundes to die in our Soveraine Lordes ſervice, and in defence of his Authoritie, at ony time, againſt the forefalted and declared Traytours, preſently being within the Caſtell and Burgh of *Edinburgh*, and uthers his Majeſties open and manifeſt enemies, reſiſters and conſpiratours againſt his hienes authoritie, during all

all the time of the open and manifeſt reſiſtance thereto: that the neareſt of the ſaid Beneficed mennes kyn abill and qualified, ſall have the preſentation, proviſion and collation of his benefice, for that time allanerlie. And the ſamin to be diſponed to the neareſt of his kyn, that happenis to be ſlayne, or deceaſe, in maner foirſaid, being alwaies abill and qualified therefore, as ſaid is. And the profites of their benefices, with the fruits ſpeciallie on the ground, with the annat theirafter, to perteine to them, and their executors, alſweill Abbottes, Priores, as all uther Kirk-men.

42. *Anent the waird, releif and Mariage of them, that ſall happen to be ſlayne in our Soveraine Lordes ſervice, in defence of his Majeſties authoritie.*

ITEM, My Lord Regentis Grace, with adviſe of the three Eſtaites, and haill body of this preſent Parliament, hes ſtatute and ordained, that in caſe ony Earles, Lords, Barronnes, Free-halders, Landed-men, Gentle-men, or ony uther perſon or perſones, ſall happen to be ſlayne, hurt, or wounded to the death, and theirafter of the ſaid hurtes to die, at ony time, in defenſe of our Soveraine Lordis authoritie, againſt certaine his forefalted and declared traitoures, preſentlie being within the Caſtell and Burgh of *Edinburgh*, and uthers his Majeſties open and manifeſt enimies, reſiſters and conſpiratours againſt his hieneſſe authoritie, during all the time of the oppen and manifeſt reſiſtance theirto: That their aire or aires, ſall have their Ward, none-entries, releiſe, and mariage free, of our Soveraine Lord, diſpenſand with their minoritie and leſſe age, quhat eild that ever they be of: without payment of ony teynd penny, or uther profite theirfoir. And ſik-like, of all uthers Lordes Spirituall and Temporall, baith of vaſſalles and ſubvaſſalles. Providing, that the aires foirſaids, perſew and obteine entres of their Overlordes, within three termes after the deceaſe of their Fathers, or quhat-ſumever uther perſones, quhom to they ar to ſucceede, for the cauſes foirſaidis. And gif the ſaidis aires be of leſſe age, within tutorie, and beis not entred to their landes and heritage, befoir their age of xiiij. zeires, quhilk may be throw negligence of their tutours, and uthers their friends. Our Soveraine Lord priviledgis and graunts to them, that they may enter, within three termes nixt after their compleit age of xiiij. zeires, as ſaid is, and this to be extended to the mediat aire, that is to ſucceede to the perſon, that happinnis to deceaſe, during the time and in maner foirſaid. And becauſe it may happen the perſon, or perſones that happinnis to deceaſe in this maner, and during the time foirſaid, to have maa lauchfull bairnes of their bodies by the aire: Theirfoir ordaines, that the profite of the Ward-landes, be tane up be their Mothers (gif there be na Tutours Teſtamentares) als lang as ſhe remaynes Widow, and failzeing thereof, be the neareſt, and lauchfull Tutours of the ſaid bairnis, to be diſtributed to the ſuſtentation of the aire, and to the utilitie and profite of the remanent his bretheren and ſiſters, to the perfit age of the ſaid air or aires. That is to ſay, gif the aires be male, of xxj. zeiris, and gif they be female, xiiij. zeiris, the profite of the ſaids airis mariage, being ay free to himſelfe. The Mother, Tutor, or Governor, find and ſufficient caution befoir the Lords, that they ſall make compt, reckoning, and payment of their intromiſſion befoir the Lords of Councell, or in the checker zeirly: and gif the airis of the perſones that happinnis to die, as ſaid is, have ony fewes, that they enter ſik-like to their few landes, halden of whatſumever perſones Spirituall, or Temporall, within the termes foirſaidis, without ony payment of the double of the few.

43. *Anent poſſeſſiones.*

ITEM, Our Soveraine Lord, with adviſe of my ſaid Lord Regents Grace, the three Eſtaites, and haill body of this preſent Parliament, hes ſtatute, and ordained, that in caſe any Earle, Lord, Barron, Free-halder, Vaſſall, Sub-vaſſall, Fewares, Mailleres, Takkiſ-men, Tennents, Rentellers, poſſeſſours, or commounes, happenis to be hurte, ſlain, or wounded to the death, and theirafter of the ſaidis hurts, or woundes to die in our Soveraine Lords ſervice, and in defenſe of his authoritie, at ony time, againſt certaine his forefalted, and declared traytours (preſentlie being within the Caſtell and Burgh of *Edinburgh*) & uthers his Majeſties open, and manifeſt enemies, reſiſters and conſpiratours againſt his hieneſſe authoritie, during all the time of the open and manifeſt reſiſtance theirto: that their aires, executors, or aſſignayes, ſall freely have their awin Wairdes, relieſes and marriages, in their awin handes, to be diſponed thereupon, as they ſall think expedient. And ſik-like, their wives, bairnes, executors or aſſignayes, ſall bruike their takkes, ſteadinges, rowmes, and poſſeſſiones, alſweill of Kirk-mennes, as Temporal-mens landes, and enter thereto, and remayne therewith freelie, for the ſpace of five zeiris, without anie greſſume, or entrie ſilver: Payand allanerlie mailles and dewties uſed and wount. And this Act alſweill to extend upon Kirk-mennes, as Temporal-mennes vaſſalles, as upon our Soveraine Lordis.

FINIS.

Actes omitted in this ſecond Parliament.

ANent the freedome and priviledges of Burrowes.
Anent Heraulds, Maiſſers, Purſevants, and others officers, that ſerved againſt our Soveraine Lord, and his authoritie.
Anent the eſcheittes of the perſones, comming to the Kings obedience.

FINIS.

THE

THE THRID PARLIAMENT,

Halden at Edinburgh, *the XXVI. daie of Januar, the zeir of God, 1572. zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES; with adviſe and conſent of JAMES, Earle of MORTOUN, Lord DALKEITH, &c. Regent to his Majeſtie, his Realme and lieges.*

44. *Anent the approbation and confirmation of the Regiment.*

THE quhilk day it is fundin, declared and decerned, be our Soveraine Lord, with adviſe of the three Eſtaites, and haill body of this preſent Parliament, that the nomination, conſtitution, election and ordination, of the Nobill and mightie Lord, JAMES, Earle of *Mortoun*, Lord *Dalkeith*, &c. In Regent to our Soveraine Lord, his Realme, and lieges thereof, during the time of his Majeſties Minoritie and leſſe age. Togidder with the conſent and approbation, of the Earles, Lordes, Prelates, Commiſſioners of Burrowes, Barronnes, and uther faithfull ſubjectes, convened and aſſembled to that effect. And the acceptation of the ſaid office of Regentrie, be the ſaid JAMES Earle of *Mortoun*, upon the xxiiij. day of November laſt by paſt, was, is, and in all time cumming ſall be halden, repute and eſteemed lauchfull, ſufficient, and perfite. And all, and quhat-ſumever things, quhilks hee hes done, be vertew of the ſaide office of Regentrie, ſen the acceptation thereof, or quhilks he ſall do heirafter, in our Soveraine Lordis name and authoritie, during the time of his hienes minoritie, to be as dewlie, lauchfullie, ſufficientlie, and richteouſly done, and to have als great availl, ſtrength, force and effect, in all reſpects and conditions, as any thing done be quhat-ſumever Regentes, Governours or Protectours of this Realme, in the minorities and leſſe ages of ony uthers native Princes of the ſamin. Quhilkes confirmation, nomination, election, conſtitution, acceptation, actes and proceedings: Our ſaid Soveraine, with adviſe, & conſent of the ſaides three Eſtaites, and haill bodie of this preſent Parliament, ratifies, appreves and confirmes, for now and in all time cumming.

45. *Papiſtes relapſe, and Not-communicantes, ſuld be admoniſhed, and they, remayning obſtinate ar infamous.*

ITEM, For-ſameikle as there was ane Acte maide in the Parliament, halden in the firſt zeir of our SOVERAINE LORDIS Regent that now is, Intitulat; *Anent the trew and halie Kirke, and of theme that ar declared not to be of the ſame Kirke.* Quhilk Act, our Soveraine Lord, with adviſe and conſent of his Regentis grace, the three Eſtaites, and haill body of this preſent Parliament, ratifies, approvis, and for his hieneſſe and his ſucceſſours, perpetually confirmes. And ſeeing the education of our Soveraine Lord, is in the trew Religion of Jeſus Chriſt, and that the ſamin Religion be Lawes and Acts of Parliament, made in his hieneſſe Reigne, is eſtabliſhed: and that it is baith godlie and expedient, that all his hieneſſe ſubjectes, worſhip the only trew God, in the uniformitie of Religion, and his hienes obedience. Therefore it is ſtatute and ordained, be our ſaid Soveraine, with adviſe of his ſaid Regent, the three Eſtaites and haill body of this preſent Parliament, that the lauchfull Arch-biſchoppes, Biſchoppes, Super-intendentes, and and Commiſſioneres of Dioceſes, and Provinces of this Realme, be themſelves, and the Miniſters and Readers, ſerving at the Kirkes, within their charges, *reſpectyve*, with all diligence, after the publication of this preſent act, note the names of the perſons, aſweill men as wemen, ſuſpected to be *Papiſtes*, or that hes not communicate with the Sacramentes, as they ar now trewlie miniſtrat, in the reformed Kirkes of this Realme, and with the like diligence, lauchfullie admoniſh them, according to the ordour of the Kirk. And in caſe, they be foorth of the Realme, upon threeſcoir dayes warning, to recant their Papiſticall errours, give their Confeſſion of their faith, according to the forme approved, in our Soveraine Lordis Parliament, be participant with the Sacramentes, and ſubmit themſelves to the diſcipline of the trew Kirk, within certaine reaſonable ſpace, under the paine of excommunication. And if they failzie, to pronunce the ſentence of excommunication againſt them. And in caſe of the contumacie and none-comperance, of ony perſones, ſwa admoniſhed, or compeirand, gif they refuſe to obey the admonition: Or quha hes returned to their erroures, after their confeſſion anes given, that everie lauchfull Arch-biſchop, Biſchop, Super-intendent or Commiſſioner, preſent ane Roll and Catalogue, of the names of the diſobedientes, obſtinat, or relapſe perſones, to our Soveraine Lord, and his Regent, betuixt and the firſt day of Julij nixt-to-cum, to the effect that the ſamin may be imprented, divulgat, and affixed on the Tol-buith of *Edinburgh*, & uthers Tol-buithes, and publick places of Judgement, within this Realme, under the paines following: That is

to ſay, everie Arch-biſchop or Biſchoppe, that ſall be found remiſſe, or negligent therein, be the generall Aſſemblie of the Kirk, under the paine of tynſell of the fruites of his benefice, for ane zeir to our Soveraine Lordis uſe, and everie Super-intendent or Commiſſioner under the paine of tynſell of his ſtipend, for ane zeir alſwa, to our Soveraine Lordis uſe, and removing of him foorth of his office, and placing of ane uther mair diligent therein. And that the diſobedient, obſtinat, and relapſe perſones, to be conteined in the ſaid Catalogue (after the publication thereof) ſall be halden, repute, and eſteemed infamous, and unabill to ſit or ſtand in Judgement, perſew, beare office, nor ſall not be admitted, as preves, witneſſes, or aſſiſoures, againſt ony profeſſing the trew Religion, ayand quhill they have reconciled themſelves to the trewe Kirk, ſubmitting themſelves to the diſcipline thereof, and obteine Teſtimoniall thereupon, quhilk inhabilitie, being alleged againſt ony Judges principall, or deputes, members of Court, officieres, parties, or procuratores, perſones of inqueſt, or witneſſes, ſall be relevant exception of the Law, to declyne them fra Judgement, office, perſute, procuration, inqueſt, or bearing witneſſe, without they then preſentlie produce ſufficient teſtimoniall, witneſſing them to be received, as members of the trew Kirk. As alſwa the depute of the Judge principall, quha is the excommunicate, or the procuratour, quha will compeir for the Excommunicate, ſall not be ſuffered to proceede, nor heard in Judgement (the Excommunication being opponed and verified, againſt the maker of the depute, or conſtituant of the Procurator) except that the principall be quhome they proceede, or uſe their Procuration, firſt be received to the Kirk, and have ſufficient teſtimoniall thereupon. And that the ſaid exception, be not admitted, againſt ony, quhilk ſall not be ſpeciallie comprehended in the ſaid Catalogue. And in caſe the Judge proceed, notwithſtanding the ſaid exception, the ſamin being lauchfullie proponed, and ratifyed, be the Catalogue foreſaid, ſik contempteous proceeding, teſtifyed be ane Inſtrument, and produced before the Lordes of Councell, ſall be ane ſufficient cauſe of ſuſpenſion, and diſcharge of the Execution of the decreit, to bee given in that matter.

46. *All Eccleſiaſticall perſones ſuld ſubſcrive the confeſſion of the Faith. Of Heretickes.*

ITEM, For-ſameikle as the conſervation, and purgation of the Religion, chiefly perteines to the Chriſtian Princes and Godlie Kings, Rewlers, and Magiſtrats; and that it is maiſt requiſite, that the Kirk within this Realme, be ſerved be Godlie perſones of ſound Religion, obedient to the authoritie of the Kings Majeſtie, our Soveraine Lord: It is theirfoir concluded, ſtatute and ordained, be his Majeſtie, with adviſe of his Regent, the three Eſtaites, and haill bodie of this preſent Parliament: That everie perſon, quha ſall pretend to be an Miniſter of Gods word and Sacraments: Or quha preſentlie dois, or ſall pretend to have, and bruik ony Benefice, uſe of fruites, ſtipend, penſion, or portion foorth of Benefice, and ar not alreadie under the diſcipline of the trew Kirk, and participates not with the Sacraments theirof, ſall in the preſence of the Arch-biſchop, Super-intendent, or Commiſſioner of the Dioceſe, or Province quhair he hes, or ſall have the Eccleſiaſticall living, give his aſſent, and ſubſcrive the Artickles of Religion, conteined in the Actes of our Soveraine Lords Parliament, and give his aith for acknowledging, and recognoſcing of our Soveraine Lord, and his authoritie, and ſall bring ane teſtimoniall in writing thereupon. And openly on ſum Sunne-day, in time of Sermone, or publick prayers in the Kirk, quhair be reaſon of his Eccleſiaſticall living, he aucht to attend, or of the fruites quhairof be receives commoditie, reade baith the teſtimoniall and confeſſion: and of new mak the ſaid faith, within the ſpace of ane Moneth, after the publication of this preſent Act. And gif he be foorth of the Realme, within threeſcoir dayes after the publication heirof. And in time cumming, within ane Moneth after his admiſſion, under the paine that everie perſon that ſall not do, as is above appoynted, ſall be, *ipſo facto*, deprived, and all his Eccleſiaſticall promotions and living, ſall be vacand, as gif he war then naturallie dead. And gif ony perſon Eccleſiaſticall, or quhilk ſall have Eccleſiaſticall living, ſall willfullie maintene ony doctrine, directlie contrair or repugnant, to ony of the ſaidis Artickles: and being convened and called, as followes, ſall perſiſt therein, and not revoke his error, or after his revocation, ſall of new affirme ſik untrew doctrine, ſik mainteining, affirming and perſiſting, ſall be juſt cauſe, to deprive him of his Eccleſiaſticall living. And it ſall be lauchfull to them, befoir quhome he is called and convened, to deprive him. Quhilk ſentence of deprivation pronounced, he ſall be deprived in deede, and his living vacand, as gif he war naturallie deade. And that all Arch-biſchoppes, Biſchoppes, Super-intendents, Poſſeſſoures, or Titulares of Prelacies be called, and convened for this effect, befoir the generall aſſemblie of the Kirk, and all inferiour perſones befoir the Arch-biſchoppes, Biſchoppes, Super-intendentes, or Commiſſioneres of the Dioceſe or provinces, within the quhilkes they dwell,

47. *Adverſaries of the trew Religion, ar not ſubjects to the King. Of Apoſtates.*

ITEM, For-ſameikle as there hes bene great rebellion, and diſobedience againſt our Soveraine Lords authority in time by-paſt, and ſeeing the cauſe of Gods trew Religion, and his hieneſſe authoritie foirſaid, ar ſa joyned, as the hurt of the ane, is common to baith. It is theirfoir declared, ſtature and ordained, be our Soveraine Lord, with adviſe and conſent of his Regentis Grace, with the three Eſtaites, and haill bodie of this preſent Parliament: That nane ſall be repute as loyall, and faithfull ſubjectes to our ſaid

Soveraine Lord, or his authoritie, bot be puniſhable, as rebellares, and gaine-ſtanderes of the ſamin, quhilk ſall not give their Confeſſion, and make their profeſſion of the ſaide trew Religion. And that all ſik, as makis profeſſion thereof, and zit hes maid defection fra their dewe obedience, aucht to our Soveraine Lord, ſall be admoniſhed be the Paſtours and Miniſters of the Kirk, to acknowledge their offenſe, and returne to their dewtifull obedience: and gif they failzie therein, to be excommunicate and ſecluded, from the ſocietie of the Kirk, as rebellious and corrupt members, betuixt and the firſt day of Junij nixt-to-cum. And that alwaies, befoir ſik perſonnes as hes maid defection, be received to our Soveraine Lordis mercie and favour: they ſall give the Confeſſion of their Faith of new, and promiſe to continew in the Confeſſion of the trewe Religion, in time cumming, mainteine our Soveraine Lordis authoritie: and that they ſall at the uttermaiſt of their power, fortifie, aſſiſt and mainteine the trew Preachoures and profeſſours of Chriſts Religion, againſt quhat-ſumever enimies, and gaine-ſtanderes of the ſamin: And namelie, againſt all ſik of quhat-ſumever Nation, Eſtaite or degree they be of, that hes joyned, and bund themſelves, or hes aſſiſted, or aſſiſtes to ſet forward, and execute the cruell decreittes of the Councell of *Trent*, (quhilk maiſt injurioſlie is called be the adverſaries of Gods truth, the Haly League) contrarie the Preachoures, and trew profeſſours of the word of God.

48. *The explanation of the Act maid anent Manſes and Glebes.*

FOrſameikle as be act of Parliament, halden and begunne at *Edinburgh*, the fourth day of Junij, the zeire of God, ane thouſand, five hundreth, threeſcoir three zeires; It was ſtatute, and ordained, that na Parſon, Vicar, nor uther Eccleſiaſticall perſon, ſuld ſet in few, or lang takkes, ony of their Manſes, or glebes perteining to the Kirkes. And alſwa that they that ar appoynted, or to be appoynted to ſerve or Miniſter at ony Kirk, within this Realme, ſuld have the principall Manſe of the Parſone or Vicar: or ſameikle thereof, as ſuld be fund ſufficient, for ſtaiking of them, to the effect that they may the better await upon the charge appoynted, or to be appoynted to them, whither the ſaides glebes wer ſet in few, or takke of before, or not: Or that ane reaſonabill and ſufficient houſe, wer bigged to them beſide the Kirke, be the Parſone or Vicar, or uthers havand the ſaidis Manſes in few, or lang takkes. And farther, ſameikle land to be annexed to the ſaidis dwelling places, of them that ſerves, or Miniſters at the Kirk, as thereafter, with gude adviſement, ſuld be appoynted, like as the ſaid act, at mair length, proportis. Quhilk being in divers pairtes doubtfull and incertaine, na gudde execution hes followed thereupon, in time by-paſt. Therefore our Soveraine Lord, with adviſe of my Lord Regents grace, the three Eſtaites, and haill body of this preſent Parliament, findis and declaris, that the Manſes, outher perteining to the Parſone or Vicar, maiſt eweſt to the Kirk, and maiſt commodious for dwelling, perteines and ſal perteine, to the Miniſter or Reader, ſerving at the ſamin Kirk: Togither with four acres of land of the glebe at leaſt, lyand *contigue*, or maiſt eweſt to the ſaid Manſe, gif there be ſa-meikle: And failzeing thereof, ſa-meikle as there is; to be marked, and ſpeciallie deſigned be the Arch-biſchop, Biſchop, Superintendent, or Commiſſioner of the dioceſe or province, the time of their nixt viſitation, be the adviſe of ony twa of the maiſt honeſt and godlie of the Parochiners, quhilkes he ſall require (not being poſſeſſours of the ſaid Manſes or glebes themſelves) to joyne with him in execution hereof, whither the ſaides Manſes and glebes be ſet in few, or takkes of befoire, or not. And upon the ſaid marking and deſignation, the Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner, ſall give his teſtimoniall, bearing, how he with adviſe of ſik twa of the Parochiners, hes viſited the Manſe and glebe, of ſik an Kirk, and findes the ſamin occupyed be ſik perſones. And that they have appoynted, marked, and deſigned the ſaid Manſe, with foure acres, or ſik quantitie of land adjacent thereto, to the uſe of the Miniſter, or Reader, that ſall ſerve and Miniſter at the ſaid Kirk, in time cumming. And upon the Miniſters or Readers ſupplication, quhair withall the ſaid teſtimoniall ſall be preſented to the Lordes of Councell, letters ſall be directed, charging the occupyars, and poſſeſſours of the ſaidis Manſes and acres of land, whither the ſamin be ſet in few or takes of before, or not: to remove, deſiſt and ceaſe theirfra, and enter the ſaid Miniſter or Reader, to the poſſeſſion of the ſamin, within ten dayes, under the paine of rebellion, and gif they failzie, to put them to the horne. And in caſe they be denunced, letters of caption, and uthers executorialles to be direct upon them, according to the Lawes of this Realme. Quhilkes Manſes and acres of land ſa marked, and deſigned, as ſaid is, it ſall not be leaſum to the Miniſters, or Readers preſent, or to cum, to ſell, annalie, ſet in few, or takkes, or to put ony in poſſeſſion of the ſamin, in prejudice of their ſucceſſours: bot the ſamin to remaine alwayes free to the uſe and eaſement of ſik, as ſall be admitted to ſerve, and Miniſter at the ſaid Kirk. And quhair ony perſones upon pretence of fewes or takkes, obteined of Manſes or Glebes, hes maid ſumptuous biggings thereon, fra the quhilks they think heavie to be diſpoſſeſſed, or removed, that then the Arch-biſchop, Biſchop, Super-intendent or Commiſſioner, the time of their viſitation, travell to agree the fewer or takkeſ-man, and the Miniſter or Reader, be delivering to the ſamin Miniſter or Reader of ane uther Manſe, quhilk ſall be als gude, and eweſt as the uther, be juſt eſtimation, the time that it was ſet in few, or takkes: to be bigged betuixt this and the firſt daye of October nixt-to-cum: togidder alſwa with certaine acres of land adjacent thereto, in maner foreſaid, for eſchewing of debait and contention. Bot gif the fewer, or takkeſ-man, refuſis willingly to condiſcend to the ſamin, then the execution to proceed, for removing fra the principall Manſe, & ſa manie acres of land, as is before ſpecified,

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notwithſtanding ony bigginges made, or to be maid thereupon. Providing alwayes, that ſa-meikle of the few maill be deduced to the perſon or perſones, to quhom the ſaidis Manſes or Glebes is ſet in few, *ſecundum ratam:* and ſik-like, that the fewer have ſufficient action, againſt the ſettar of the ſaid Manſe and Glebe, for-ſameikle entres, ſilver, as he payed to the ſetter the time of the ſetting thereof, *ſecundum ratam,* as ſaid is.

49. *Poſſeſſions of benefices, or uther Eccleſiaſticall rents tines their life-rent, being zeir and day at the Horne.*

FOrſameikle, as be the Lawes of this Realme, ſpecially be act of Parliament, halden in the Reigne of umquhile King JAMES the fifth, our Soveraine Lordis Gudſchir, of worthie memorie: It is found, that the uſe in times bygane hes bene, that the mailles and dewties, of the landes of them, that hes bene zeir and day at the horne, halden of uther Superiours then the King, returned againe to the ſuperiours of the ſamin landes, for the life-time of them that ſuſtened ſik proceſſe of horne, zeir and day, as ſaid is, except crimes of treaſon and leſe-majeſtie, and that the law ſuld ſa be interpreted and uſed, like as at mair length, is conteined in the ſamin act. Quhilk hes bene great feare and terrour to all heritoures of landes, to incur the ſaid proceſſe of horning, during the time foirſaid, and therefoir for ſaiftie of their life-rent, hes done diligence, and uſed all good meanes to obteine themſelves ſpedelie relaxed, when ever they happened to incur the ſaid paine: zit becauſe the Law was not equall, at leaſt had not received the like execution, againſt the poſſeſſoures of Benefices, Penſions, Portions, or uther Eccleſiaſticall rentes: The great contempt of horning, hes bene in ſik perſones, quhilkes thinking their livings in na danger, throw their diſobedience, continued in their rebellion, and uſed na diligence to get themſelves relaxed, quhilk maid the ſaid paine of horning contemptibill in times by-paſt. For remeid of the quhilk abuſe heirafter: Our Soveraine Lord, with adviſe of his Regents grace, the three Eſtaits, and haill bodie of this preſent Parliament, declaris, ſtatutis, and ordainis, that gif ony poſſeſſoures of benefices, penſions, portions, or uther ſik Eccleſiaſticall rents, being ordourlie denunced rebelles, and put to the Horne, remaines theirat, attour the ſpace of zeir and day, they ſall theirby tyne their life-rent of their benefices, penſiones, portiones, or uther Eccleſiaſticall rents, ſik-like and in the ſamin maner, as the temporall men, and heritours of landes dois, and according to the act maid in our Soveraine Lordis deareſt Gudſchirs Reigne.

50. *Approbation of the Actes and proceedings, done in the name and Authoritie of our Soveraine Lord, and of the invaliditie of all things attempted in the contrair.*

FORSAMEIKLE, as ſen the coronation of the Kings Majeſtie our Soveraine Lord, divers rebellious inſurrectiones, treaſſonabill conſpiracies, open hoſtilities, and diſobediences, hes bene rayſed againſt his hienes authoritie and Regentes, tending to the ſubverſion of Chriſts Religion, the depoſing of his Majeſtie from his Royall Crowne, and the confuſion of the haill Eſtait of the commoun weill of this Realme. For reſiſting and repreſſing of the quhilkes treaſſonabill, rebellious, and dangerous interpryſes, and ſafetie, and preſervation of our Soveraine Lords innocent perſon: his Regents, Nobilitie and Eſtaites, profeſſing his obedience, hes bene oft times conſtrayned to uſe the proceſſe, Judgement, and Execution of his hieneſſe Lawes: as alſwa force and hoſtilitie againſt his Hieneſſe declared traytours, rebellious and diſobedient ſubjectes, their aſſiſters and partakers. Therefoire, it is ſtatute and ordained be our Soveraine Lord, with adviſe of his Regents grace, the three Eſtaites, and haill bodie of this preſent Parliament, that all proceſſes, Judgementes, and Executions of his hieneſſe Lawes, led, given and maid, in his Majeſties name, criminallie or civillie, ſen his hieneſſe Coronation foreſaid, outher in Parliament, privie Councell, Juſtice courts, Seſſion, and Colledge of Juſtice, Checker, or before the Schireffes, Stewardes, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, and uthers Judges and Miniſters of the Lawes quhat-ſumever. And all deedes of hoſtilitie, in rayſing and conduction of men of weir, battalles, conflictes and utherwayes, cuinzieing of money, taking and fortification of Townes, Caſtelles, Palices, Places, Houſes, and Policies: Burning, deſtruction, and demoliſching thereof: Intelligences, Treaties and Contractes maid with quhatſumever forreyn Princes, or their Lieutennentes, or Miniſters: Inbringing of ſtrangers in the Townes, and uthers partes of this Realme, intromiſſion with money, munitiones, and movabill guddes, uptaking of rentes, taking and deteining of priſoners, ranſounes, buitinges, rayſing of taxes, impoſitions, and uthers quhat-ſumever, done be our Soveraine Lordis Regents, Nobility, and uthers ſubjects, profeſſing his obedience, againſt the ſaidis declared Traitoures, rebelles, or diſobedient ſubjects, their aſſiſters and partakers quhat-ſumever, at ony time ſen our Soveraine Lordis Coronation, and before they obteined remiſſions therefore, as alſwa all intromiſſion with ony of their livings, guddes, geir, pleniſſinges, and uthers being within their houſes, or upon their landes or rowmes, notwithſtanding quhat-ſumever aſſignation, titill, or entres, that ony uther perſones may acclayme or pretend thereto, and all that followed, or ſall happen to follow thereupon, hes bene, is, and in all time cumming ſall be repute, halden, and eſteemed, as lauchfullie done, and as gude and profitabill ſervice for his Majeſtie, tending to the preſervation of the Eſtait of Chriſtian Religion, the Royall perſon and Crowne of our Soveraine Lorde, reſiſting and repreſſing of his ſaidis

rebellious and inobedient ſubjects, and quyeting of the country. And that the ſaidis Regents and Nobilitie, and utheris ſubjects, their aſſiſteris and partakeris, ſall incurre na skaith or danger thairthrow, in their perſones, landes, or guddes, nor ſall not be called, nor accuſed for the ſamin, criminallie nor civillie, be ony manner of way in time cumming. Diſchargeing be this preſent Act, all and ſindrie his Majeſties Judges, and Miniſteris of his Lawes preſent, and to come thereof, and of their offices in that part for ever. And this Act to be amplie extended and interpreted, in the favoures of all ſik, as profeſſed our Soveraine Lordis Authoritie and obedience, againſt them quhilkis were diſobedient thereto, their aſſiſters and partakers. And in like maner, it is declared and decerned be our ſaid Soveraine Lord, his deareſt Regent, the three Eſtaites and haill body of this preſent Parliament, that all pretended Proceſſe, Judgementes and executiones of Lawes criminall, or civill, outher in pretended Parliaments, Councell, or before Schireffes, Stewardes, Baillies, Proveſtes, Aldermen, Baillies of Burrowes, or uthers Judges, or Miniſters of Lawes quhatſumever, in name, or by cullour of ony uther authoritie, ſen our Soveraine Lordis Coronation foreſaid, hes bene, is, and in all time cumming, ſall be repute, halden and eſteemed as unlauchfull, uſurped vaine, and of na force, ſtrength, nor effect: and to have na maner execution, for any time by-gane, or to cum, without any proceſſe of reduction.

51. *Anent purchaſing of the Papes Bulles, or giftes of the Queene our Soveraine Lordis Mother.*

FOr-ſa-meikle, as be Act of Parliament, halden at *Edinburgh*, the xxiv. day of Auguſt, the zeir of God ane thouſand, five hundreth, threeſcoir zeires ratified, and appreved be act of Parliament, halden the firſt zeir of the Reigne of our Soveraine Lord, that now is. It was ſtatute and ordained, that the Biſhop of *Rome*, called the Pape, ſuld have na juriſdiction, nor authoritie within this Realme, in ony time thereafter, and that nane of the ſubjects of this Realme, in ony time cumming thereafter ſuld ſute, or deſire title, or right of the ſaid Biſhop of *Rome*, or his ſect, to ony things within this Realme, under the paines of Barratrie, that is to ſay, proſcription, baniſhment, and never to bruik office, honour, nor dignitie within this Realme, like as is conteined at mair length in the ſaid act, ſen the quhilk time, diverſe the ſubjects of this Realme hes wickedlie, and contempteouſly purchaſed the ſaid Papes Bulles, diſpenſations, letters, and priviledges at *Rome*, or hes cauſed counterfacte the ſamin in *Flanders* or uthers parts, with ante-daittes, as alſwa, ſum uthers hes purchaſed, or counterfaicted giftes, and proviſions of benefices, with ante-daittes, or blanks, as maid be the Queene Mother, to our Soveraine Lord, intending be ſik fals and culloured meanes, to bruik the tytle, and poſſeſſion of Benefices, or penſiones, after the deceaſe of the preſent poſſeſſours thereof. And theirthrow, baith to defraud our Soveraine Lord of his richt and Patronage, and alſwa the qualified perſones, profeſſing the trew Religion, of their livings, quhairupon they ſuld be ſuſteined, if remeid be not provided their-intill. It is therefore decerned, and declared, be our Soveraine Lord, with adviſe and conſent of my Lord Regents grace, the three Eſtaites, and haill body of this preſent Parliament, that all perſones, ſuſpected to have ony falſe counterfaicted blankes, and ante-daittes, bulles, proviſions, confirmations of fewes, takkes, or giftes of benefices, penſiones foorth of benefices, commoun Kirkes, or landes, annualles and Frier-landes, ſall be called, quhen it ſall pleaſe our Soveraine Lord, and his ſaid Regent, to compeir, befoire ſik of the privie Councell, or uthers, that ſall be conſtitute Commiſſioners in Eccleſiaſticall cauſes, be his hieneſſe Commiſſion, at ſik day, or dayes, as they ſall appoynt: bringand with them their ſaidis bulles, proviſions, confirmationes of fewes, takkes and giftes of benefices, and uthers befoire ſpecified, to be ſeene and conſidered gif the ſamin be lauchfull titles, and orderly paſt, and be worthie to ſerve, and have faith in time cumming, or not. And in caſe the peeces produced, be found lauchfull and ſufficient, the ſamin to be regiſtrat, marked, and to have full faith, and validitie in time cumming. And gif the ſamin ſall be foundin to have bene purchaſed in *Rome*, ſen the ſaid xxiv. day of Auguſt, the zeir of God, ane thouſand, five hundreth, threeſcoir zeiris, or utherwayes, to have bene counterfaicted, ante-daited, or purchaſed blank ſenſyne, to be decerned and declared be the ſaidis Commiſſioners null, invalide, and inſufficient, and to make na faith in time cumming, but ony farther Proceſſe of reduction. And in caſe the perſones being charged to compeir for production of their ſaidis Bulles, proviſiones, takkes, confirmationes, giftes, and utheres befoire ſpecified, failzie therein, being lauchfullie charged ſa to do, decreit ſall be given againſt them, declairand the ſamin Bulles, proviſions, takkes, giftes & uthers abone exprimed to be null, invalide, and inſufficient in all time cumming, and it ſall be lauchfull to diſpone the ſamin of new, notwithſtanding, ony allegeance of validitie, that may after be proponed.

52. *Ane approbation of the Act maid anent the diſpoſition of Benefices, to the Miniſters of Chriſts Evangell.*

ITEM, Becauſe there hes bene ſum queſtion, baith befoire the Lordes of Seſſion, and the Commiſſares of *Edinburgh*, anent the declaration of the Queene, our Soveraine Lordis Mother, with adviſe of the Lordes of Secreit Councell for the time, and thereafter ratified in Parliament, anent the diſpoſition of all benefices, not exceeding three hundreth Markes of zeirly rent, or within, to qualified Miniſters.

Quhilk

Quhilk act, our Soveraine Lord, with adviſe and conſent of his Regents grace, the three Eſtaites, and haill body of this preſent Parliament, ratifies, appreves, and confirmes: ordainand the ſamin to have full effect, fra the day and dait thereof, notwithſtanding, ony exception proponed, or to be proponed, of none publication of the ſaid act: Seing the Queene, our Soveraine Lordis Mother was ſworne therein, *In verbo Principis*, never to cum in the contrair thereof. And that the ſaid Act hes generallie taken effect, ſen the making of the ſamin. Providing alwayes, that this preſent act, prejudge not the laick Patrones.

53. *Excommunicate perſones, ſuld be denunced Rebelles.*

THE QUHILK day, our Soveraine Lord, with adviſe of his Regents Grace, the three Eſtaites; and haill body of this preſent Parliament, ſtatutis and ordainis, that againſt all perſones excommunicate be ordour of the trew reformed Kirk, within this Realme, letters ſall be direct, be the Lords of Councell, in all the four formes, at the inſtance of the partie; our Soveraine Lords Advocate, or the Procuratours of the Kirk, chargeing the excommunicate perſones (they being excommunicate fourty dayes) to ſatisfie the ſentence or decreit pronunced againſt them, and to reconcile themſelves to the Kirk, and ſubmit themſelves to the Diſcipline thereof: under the paine of Rebellion, and gif they failzie, to put them to the horne, with letters of Caption, and uthers executorials to paſſe thereupon, ſik-like, and in the ſamin maner, as was given in the Reigne of our Soveraine Lordis umquhile Gudſchir, againſt them that ſuſteined the proceſſe of Curſing, attour the ſpace of fourtie dayes.

54. *Anent the reparation of the Paroche Kirkis.*

FOR-ſa-meikle, as there was ane Act made in the Parliament halden in the Moneth of Junij, the zeir of God 1563. zeiris, declairand, that whatſumever ordour ſuld be maid and ſet forth, be the Lords of ſecreit Councell, for uphalding and reparrelling of Kirkes, and Kirk-zairds, and the execution to be declared be them thereupon, to be ſufficient, and to have als great ſtrength and effect, as and the ſamin had bene expreſſie conteined, in the ſaid Act of Parliament, as the ſamin at mair length proportis. According to the quhilk, ane Act of ſecreit Councel was maid, for the bigging, mending, and reparation of Paroche Kirkes, of the dait, At *Striviling* the xiij. day of September, the zeir of God foreſaid. Quhilk Act, as zit, hes not tane execution in na place, becauſe of the ſleuth and unwillingnes of the Parochiners, quhilks were ſlaw; and refuſed to chuſe perſones to taxe their Nichtbouris: and that alſwa, there was not Kirk-maiſters or Deakons, appointed in the Parochin to receive the taxation appointed. FOR remeid quhairof, our Soveraine Lorde, with adviſe of his Regents grace, the three Eſtaites, and haill bodye of this preſent Parliament, ratifies and appreves the foreſaidis Actes of Parliament, and of ſecreit Councell in all poyntes, with this addition: That quhair the Parochiners being required to elect and chuſe perſones, for making of the taxation, to the effect foreſaid, refuſis or delayis, or quhair there is na Kirk-maiſters or Deacons appoynted; That then the Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner of the Kirkes, in time of their viſitation, quhilk ſall be betuixt and the firſt day of Junij nixt to-cum: Sall at their diſcretioun, nominate and appoint perſones in every Parochin, for making and ſetting of the taxation: as alſwa for receiving of the ſamin. And decernis and declaris the ſaid nomination and appoyntment to be ſufficient, and ſik-like execution ſall paſſe, for compelling of them, as micht have bene given and granted, be vertew of the ſaid Act of ſecreit Councell, in caſe they had bene elected be the Parochiners. And becauſe, there hes bene diverſe Paroche Kirkes, within this Realme demoliſhed, caſten downe and deſtroyed, for the maiſt part, and that certaine particular perſones hes applyed the ſtanes, tymber, and uther graith perteining thereto, to their awin particular uſe and profite. Therefore, ordainis ony ane of the Parochiners of ſik Kirkes to give their complaint to the Arch-biſchop, Biſchop, Super-intendent, or Commiſſioner thereof, upon ſik perſones, as they pleaſe to complene upon, and they being lauchfullie called, and juſt tryal taken in the ſaid matter: And according to ſufficient probation, to bee led and deduced their-intill, that the ſaid Arch-biſhop, Biſhop, Super-intendent, or Commiſſioner pronunce, and give foorth their decreit their-intill: Quhilk decreit, our Soveraine Lord, with adviſe of his ſaid deareſt Regent, and the three Eſtaites foirſaidis, decernis and declaris, to be als ſufficient, as and the ſamin war given befoir ony Judge Ordinar. And ordainis, the Lordes of Councell and Seſſion, to direct letters of horning or poynding thereupon, at the will and pleaſure of the partie, quha ſall happen to complene. And ſik-like, our Soveraine Lord, with adviſe of his ſaid deareſt Regent, the three Eſtaites, and haill bodie of this preſent Parliament, ordainis the Perſones of all Paroche Kirkes within this Realme, to furniſh bread and wine to the Communion, how oft the ſamin ſall be miniſtrat, within the ſamin Kirkes.

FINIS.

Acte omitted in this thrid PARLIAMENT.

ANent the eſtabliſhing of the Regiment, *in caſe at Gods pleaſure, that charge zit vaik, during the Kings Majeſties minoritie.*

FINIS.

THE FOURTH PARLIAMENT,

Halden at Haly-rude-hous, *the laſt daie of April, the zeir of God, ane thouſand, five hundreth, threeſcoir thretten zeires: Be JAMES the Sext, be the Grace of God, King of SCOTTES, with adviſe and conſent of JAMES Erle of MORTOUN, Lord DALKEITH, &c. Regent to his Majeſtie, his Realme and ſubjectes.*

55. *Anent them that divertes fra uthers, being joyned of befoir, in lauchfull Mariage.*

IT IS founden, and declared be our Soveraine my Lorde, Regentis Grace, the three Eſtaites, & haillbodie of this preſent Parliament: That in all times by-paſt, ſen the trew and Chriſtian Religion was publicklie preached, avowed, and eſtabliſhed within this Realme, namelie, ſen the Moneth of Auguſt, the zeir of God, ane thouſand, five hundreth, threeſcoir zeires. It hes beene, and in all times cumming ſall be lauchfull; That quhat-ſum-ever perſon, or perſones, joyned in lauchfull Matrimonie, husband or wife, divertis fra uthers companie, without ane reaſonable cauſe alledged, or adduced befoir an Judge, and remainis in their malicious obſtinacie, be the ſpace of foure zeires, and in the meane time, refuſis all privie admonitions: The husband of the wife, or the wife of the husband, for dew adherence: That then the husband, or the wife, ſall call and perſew the obſtinate perſon offender, befoir the Judge Ordinar for adherence. And in caſe no ſufficient cauſes be alledged, quhair-foir na adherence ſuld be, bot that the ſentence proceedis againſt the offender, refuſand to obey the ſamin: The husband or the wife, ſall meene themſelves, to the ſuperiour Magiſtrate, *videlicet*, the Lords of Seſſion, and ſall obteine letters, in the four formes, conforme to the ſentence of adherence: Quhilk charge being contemned, and thereſoir being denunced rebell, and put to the horne: Then the husband, or the wife, to ſute the ſpiritual juriſdiction and power, and require the lauchfull Arch-biſchop, Biſchop, or Super-intendent of the countrie, quhair the offender remaines, to direct privie admonitiones to the ſaid offender, admoniſching him or her, as befoir, for adherence. Quhilkes admonitiones, gif he or ſhe contemptuouſly diſobeys: That Arch-biſhop, Biſchop, or Super-intendent, to direct charges to the Miniſter of that Parochin, quhair the offender remaines, or in caſe there be nane, or that the Miniſter will not execute, to the Miniſter of the nixt adjacent Kirk theirto: Quha ſall proceede againſt the ſaid offender, with publick admonitions, and gif they be contemned, to the ſentence of Excommunication. Quhilk anis being pronunced, the malicious and obſtinat defection of the partie offender, to be ane ſufficient cauſe of divorce, and the ſaid partie offender to tyne and loſe their tocher, *& donationes propter nuptias.*

56. *Salt ſuld not be tranſported.*

FORSAMEIKLE, As it is underſtandin, the great and exhorbitant prices, the ſmall Salt is latelie riſſen to, within this Realme: Quhilk heirtofoir hes never bene ſeene or heard within the ſamin. And there is na reaſon, that the ſaid ſtrange dearth and noveltie, ſuld be ſuffered to continew, but the occaſion thereof, to be timouſlie remedied. THEREFORE, OUR SOVERAINE LORD, with adviſe and conſent of his deareſt Regent, the three Eſtaites, and haill bodie of this preſent Parliament, ſtatutis and ordainis: That na ſmall Salt bee tranſported foorth of this Realme, at onie time hereafter, at the leaſt, for the ſpace of three zeiris, nixt after the dait of this preſent Acte, under the paine of confiſcation of the Salt, as alſwa of the Schippes, Veſchelles, and uthers movabel guddes of the perſones tranſporters thereof.

PROVIDING alwaies, that the paine of this Acte, extend not againſt ſtrangers of *Norway*, and uthers of the Eaſt partes, quhilk brings in tymber in this Realme, for quhilk, they ar priviledged be this preſent Acte, to tranſport Salt, for the exchange of their money, conforme to the Actes maid of befoir.

57. *The meaſure of Salmond, Herring and quhite fiſh.*

ITEM, FORSAMEIKLE as it is conſiddered, that be packing of Salmond, Herring, and quhite-fiſhes, be the Merchandes, and uthers inhabitantes of this Realme, there is great hurte and damnage ſuſteined be the buyers thereof, and great ſclander ſuſteinis the haill Nation, throw the default of a few number, in ſa farre as everie trafficquer with ſik Merchandice, cauſis the Cowpers make his barrelles and trees, of ſik quantitie, as he pleaſes, for his awin particular profite, not keepand therein ane univerſal meaſure. AND thereſoir it is ſtatute and ordained bee our Soveraine Lorde, with adviſe and conſent of his deareſt Regent, the three Eſtaites, and haill body of this preſent Parliament, that everie Salmond barrell

to

to be maid heirafter, ſall conteine twelve gallones, of the *Striviling* pynte, and that everie Barrel of Herring and quhite-fiſch, conteine nine gallones of the ſamin ſtope. And that the Cowper, maker of the Barrel, ſall burne and marke the ſamin with his awin proper marke, ſwa that the buyer may be aſſured the ſamin conteines ſik quantities. And quha ever failzies heirin, being called, and convict thereof, ſall be puniſhed according to the Lawes maid thereupon of befoir.

58. *Anent the annualles of burnt and demoliſhed houſes and tenements, within the Burgh of* Edinburgh, Cannongate, *and uthers Sub-urbes there abouts.*

ITEM, For-ſa-meikle as it is conſiddered, the heavie damnage and skaith, ſuſteined be the Neighbours of *Edinburgh*, *Cannongate*, and uthers the Sub-urbes thereabout, quha left their landes, heritages, and guddes, for acknowledging our Soveraine Lordes maiſt juſt authoritie: be the quhilk, their landes and heritages, was demoliſhed, wracked and burnt, be his Hieneſſe declared traytours and rebelles, being within the Caſtle and Burgh of *Edinburgh*, and their aſſiſtares. The ſaidis landes being addebted in ſundrie annual-rents. Quhilks perſons, heritours of the ſaidis annualles, ar now perſewand the ſaidis lands, for the by-runnes awand them, notwithſtanding, they ar demoliſhed and burnt, as ſaid is. Therefore, our Soveraine Lord, with adviſe and conſent of his Regents Grace, the three Eſtaites, and haill bodie of this preſent Parliament, declaris the ſaidis landes burnt and demoliſhed, as ſaid is, not to be obliſhed to make compleit payment of the annualles awand foorth thereof, bot the ſamin to be defalked, according to the acts maid of befoir, anent the payment of the annualles awand foorth of the lands, lyand within the ſaid Burgh, burnt of befoir, be the power of *England*, then enimies to this Realme. And the parties awneris of the ſaidis annual-rents, not to have farther action, but according to the acte of Parliament, maid anent the payment of annualles awand foorth of the ſaidis burnt landes. Seing the demolition foirſaid, is done be our Soveraine Lordis declared Traytours, quhilk is alike to the perſonnes damnaged, as gif the ſamin had bene done be forreine enimies. Providing this act extend to nane, bot to ſik as aſſiſted and tuke part with our Soveraine Lord, during the time of thir lait troubles, and continues therein.

59. *Anent the tranſporting of forbidden guddes out of this Realme.*

ITEM, It is ſtatute and ordained, be our Soveraine Lord, with adviſe and conſent of his Regents Grace, the three Eſtaites, and haill bodie of this preſent Parliament, that the actes and ſtatutes, maid of befoir, againſt the carying of forbidden guddes foorth of this Realme, be diligentlie put to execution in time cumming. And ſik-like, that nane of the ſubjects of this Realme, take upon hand, to carry or tranſport foorth of this Realme, ony maner of Linning claith, Linget ſeed, maid Candel, or uther Talloun quhat-ſum-ever, eatting butter, cheeſe, barked hydes, or maid ſchoone, under the paine of eſcheit thereof, and the haill remanent guddes of the buyers, and tranſporters thereof, to our Soveraine Lords uſe.

60. *Herring and quhite fiſch, ſuld be brocht to free Portes within the Realme.*

ITEM, For-ſa-meikle as it is heaviely complened, how that the haill ſlayers of all kind of fiſches within this Realme, not regarding the Actes maid be our Soveraine Lordis deareſt Predeceſſours of befoir, quhilk is, that quhen herring and quhite-fiſh is ſlayne, they aucht to bring the ſamin to the nixt adjacent Burrowes and Townes, quhair the perſones ſlayers thereof, dwelles, to the effect that our Soveraine Lordis lieges may be firſt ſerved, and gif aboundance occurred, that they micht be ſalted, and tranſported, be free Burgeſſes. Throw none-doing of the quhilk, our Soveraine Lord is greatlie defrauded of his cuſtomes, and his Hieneſſe lieges wants the fruit of the Sea, appoynted be God for their nuriſchement, and the Burgeſſes and free-men of Burrowes diſ-appoynted of their trafficque and commoditie.

Therefore our Soveraine Lord, with adviſe and conſent of his Regents Grace, the three Eſtaites, and haill body of this preſent Parliament; Ordaines that all maner of fiſcheres, that occupyes the Sea, and uthers perſones quhat-ſum-ever, that happenis to ſlay herring, or quhite-fiſch upon the Coaſt, or within the Iles, or outwith the ſamin, within the Firthes, bring them to free Portes, there to bee ſaulde commounlie, to all our Soveraine Lordis lieges, and the reſt to free-men, quhairby his Majeſties Cuſtomes be not defrauded, and his Hieneſſe lieges not fruſtrat of the commoditie appoynted to them be God, under the paine of confiſcation, and tinſell of the veſchelles of them, that cummes in the contrair heirof, and eſcheitting of all their movabil guddes, to our Soveraine Lords uſe.

F I N I S.

Acte omitted in this fourth PARLIAMENT.

Anent the hame bringing of Wine, and prices thereof.

F I N I S.

THE

THE FIFTH PARLIAMENT,

Halden at Striviling, *the XXV. daie of Julij, the zeir of God, 1578. zeires; Be JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Eſtaites of this Realme.*

61. *The ratification of the libertie of the trew Kirk of God and Religion.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreved, and be the tenour heirof, ratifies and apprevis, all and quhat-ſum-ever acts of Parliament, ſtatutes and conſtitutions paſt, and maid of befoir, aggreable to Gods word, for maintenance of the liberty of the trew Kirk of God and Religion, now preſentlie profeſſed within this Realme, and puritie theirof. And decernis and declaris the ſamin to have the effect in all poynts, after the forme and tenour theirof.

62. *The Glebes of the Miniſters and Readers ſall be free of Teindes.*

ITEM, Anent the Artickle proponed, gif Miniſters and Readers aucht and ſuld pay teind for their Glebes and Kirklands, deſigned to them, conforme to the act of Parliament, maid thereunto; for anſwere thereto: Our Soveraine Lord, with adviſe and conſent of the three Eſtaites of this preſent Parliament, findis and declairis, that the ſaidis Miniſters and Readers, aucht and ſuld pay na Teind, for their ſaidis Glebes and Kirk-landes, extending to four aikers of land, deſigned to them, conforme to the ſaid act. Bot decernis and declaris them to be free of their ſaidis Teindes, and diſchargeth them *ſimpliciter* thereof in all time cumming.

63. *Anent the viſitation of the Hoſpitalles.*

ITEM, Becauſe diverſe Hoſpitalles hes bene erected by our Soveraine Lordes maiſt Noble Progenitours, & uthers zelous and devout men within the countrie, quhilks alwaies ar becummin in decay, be negligence of ſik to quhom the cure thereof perteines, and ar ſet in few and takkes, without all gude ordour, in reſpect that the victualls and uthers profites, perteining to the ſaidis Hoſpitalles, ar converted in ſmall ſummes of money: Swa that the pure and Beddelles of the ſaidis Hoſpitalles, hes ſmall or nothing to live upon. For remeid of the quhilk: Our Soveraine Lord, with adviſe and conſent of the three Eſtaites of Parliament, ordainis the Chanceller for all Hoſpitals founded be our Soveraine Lordis maiſt Nobil Progenitours, and the Biſchops and Commiſſioners of dioceſes, quhair na Biſchoppes ar provided, for all uthers Hoſpitalles, to trie the quantitie of their rent, the ordour of their fundation, and the Eſtait quhairin the rent preſentlie is. And to that effect, that the Lordes of Councell and Seſſion, direct letters, chargeing the havers of the foundationes and erectiones of the ſaidis Hoſpitalles, fewares and takkeſ-men of the lands, and uthers perteining thereto, to produce the ſamin befoir the ſaidis Chancellar, Biſchoppes, and Commiſſioners, at ſik dayes and places, as they ſall appoynt, to be ſeene and conſiddered be them, to the effect, that ordoure may be tane, upon the reformation of the decay of the ſamin Hoſpitalles, under the paine of rebellion, and putting of them to the Horne: with certification to them and they failzie, letters ſall be direct to put them to the Horne, and that the ſaidis Chanceller and uthers foirſaidis, report their anſwer to the Kingis Grace, and Lordes of ſecreit Councell, betuixt and Paſche nixt to-cum.

64. *The ratification of the Priviledge of Burrowes, with addition.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreved, and be the tenour heirof, ratifies and apprevis of new, all actes and conſtitutiones of Parliament, maid be quhat-ſum-ever our Soveraine Lordis predeceſſoures of befoir, in favours of the Burrowes and Burgeſſes of this Realme, inhabitantes of all the Burrowes of the ſamin, with all priviledges, freedomes, immunities and liberties, granted and given to them, and everie ane of them, and decernis and declaris the ſamin, to have full ſtrength, force and effect in all times heiraſter, ſwa that the ſamin may be put to full and dew execution in all poynts, and to ſtand as ane perpetual Law to them and their ſucceſſours, with this addition: Givand them freedome and priviledge, to convene four times in the zeir, for ſik matters as concernes their Eſtait: And that in quhat Burgh it ſall be thocht maiſt expedient, be the maiſt pairt of the ſaidis

Burrowes.

Burrowes. Providing alwaies for eſchewing of tumultes, that there be preſent, at the ſaidis conventiones for everie Burgh in number, ane: except the Towne of *Edinburgh*, to have ane maa, nor the uther Burrowes.

65. *The ratification of the act maid of befoir, anent the alienation of landes and dimiſſion of Beneſices, be them that ar, or ſall happen to be convict, of the murtheres of our Soveraine Lordis Father, and of his twa Regents.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreved, and be the tenour heirof, ratifies and appreves the act of Parliament under-written, maid in the Parliament halden at *Striviling*, upon the xxviij. day of Auguſt, the zeir of God, ane thouſand, five hundreth, threeſcoir and elleven zeiris, and all poynts, clauſes and artickles conteined therein, after the forme and tenour theirof, of the quhilk, the tenour followes. ITEM, It is decerned and declared, be our Soveraine Lord, with adviſe of his Regents Grace, and the three Eſtaites, that all Alienations, reſignations, dimiſſions, and uthers diſpoſitions quhat-ſum-ever, maid be ony perſon or perſones convict, or that ſall happen in ony waies heirafter to be convict, or fore-falted, for airt and pairt of the treaſonabil murthers and ſlauchters, of umquhile our Soveraine Lordis deareſt Father, or Regents of quhat-ſum-ever landes, heritages, offices, benefices, rowmes or poſſeſſiones, ſen the times *reſpective*, of the committing thereof: ar, and ſall be null of themſelves, and of nane avail, force nor effect in all times cumming, with all that followed, or ſall happen to follow thereupon, with this addition: that our ſaid Soveraine Lord, with adviſe of his ſaidis three Eſtaites of Parliament, hes declared and decerned, and preſentlie declaris and decernis, that the foirſaid Act of Parliament, is and was gude and valiabil, fra the beginning, and that the ſamin ſuld have had in times by-gane, and ſall have in all times cumming, full effect: and that all things (gif ony be done in the contrair) is and ſall be null, and of nane avail, force nor effect, notwithſtanding ony alledged practicque, maid in the contrair.

66. *Anent dowbil confirmation of ſewes of Kirk-landes, and landes halden immediatlie of our Soveraine Lord.*

FORSAMEIKLE as it is ſtatute and ordained, be act of Parliament, maid in our Soveraine Lordis deareſt Mothers time, that na infeſtment of Kirk-landes, ſet ſen the viij. day of March, the zeir of God, ane thouſand, five hundreth, lviij. zeiris, ſuld be of ony force or effect, without the ſamin war dewlie and lauchfullie confirmed be our Soveraine. And als, for-ſameikle as it happenis, that doubil infeftmentes of few-ferme, of ony portion of land, is given be ane Eccleſiaſtical perſon, to divers perſones: and ſum times be divers Eccleſiaſtical perſones, to wit, the predeceſſour and ſucceſſour, to divers perſones in few-ferme, and zit nouther of the ſaidis infeſtments can take effect, or be of availl, without they be dewlie and lauchfullie confirmed be our Soveraine Lord. And alſwa, it is oftimes ſeene, that confirmations ar granted of baith, the ſaidis divers infeſtmentes, at divers times be the ſute of the parties: like as it is founden be ſundry ordinances of the privie Councel, that our Soveraine Lord, and his Hieneſſe Compoſitours, aucht not to deny his confirmation, upon the reaſonabil expenſes of the partie, ſuitand upon their awin peril. And likewiſe, divers alienationes of landes, halden immediatlie of our Soveraine Lord, being maid be ane perſon, to divers perſones, double confirmationes ar granted be our Soveraine Lord thereto, quhair as, ane of the ſaidis confirmations aucht, and can only take effect in all clauſes above ſpecified, And notwithſtanding, it is the occaſion of great debait amangis the lieges, to their great expenſes, alſweill in payment of their compoſitiones, as that the ſamin breadis the occaſion of great pley. FOR remeid thereof, it is concluded, ſtatute and ordained, be our Soveraine Lord, and the three Eſtaites of Parliament, that quhaſaever obteines, or hes obteined, the firſt confirmation of ony infeſtment, outher of Kirk-lands, or uther landes, halden of our Soveraine Lord: that the firſt confirmation ſall be of availl, force and effect, and ſall prevail the ſecund. The ſaid firſt infeſtment, quhilk is confirmed, being vailzeeable in the ſelfe, and lauchfully done. And in this caſe, the laſt confirmation ſall not be reſpected, albeit the ſamin confirme the firſt infeſtment, bot the firſt confirmation of the laſte infeſtment ſall prevaile, the laſt confirmation of the firſt infeſtment, be way of exception or reply, without ony Summonds or Proceſſe of reduction. It is alwayes provided, that gif the principal infeſtment firſt confirmed, or ony uther ſubſtantial cauſe, be the foirſaid confirmation, be of nane avail or unlauchfullie maid, to the prejudice of ony uther pairtie, havand intereſſe to the landes therein conteined, and quha may be excluded be reaſon of the firſt confirmation, the ſaid partie havand interes, ſall be heard to accuſe or reduce the ſaid infeſtment firſt confirmed, or utherwayes, to move action, againſt the ſamin, as accordes of the Law, quhidder they have obteined confirmation of their infeſtment, or not. It is alſwa ſtatute and ordained, that na dowble confirmations of infeſtments of Kirk-landes, or uthers, halden of our Soveraine Lord, be granted heirafter, and diſcharges the keipers of the Signet, Privie and great Seilles, that they paſſe not double confirmations: And gif the ſaidis double confirmations paſſe in time cumming, our ſaide Soveraine Lord, with adviſe of his ſaidis three Eſtaites, decernis and declaris, the laſt confirmation to be of nane availl: Providing, as is above ſpecified.

07. *Ane act anent the carying of fleſh foorth of this Realme in ſchippes, under cullour of victualling.*

ITEM, For-ſa-meikle, as be taking and carying away of all kinde of fleſh, in great quantitie, for victualling of ſchippes, paſſand foorth of this Realme, at the haill Portes thereof, and ſpeciallie at *Leith*, and Coaſt ſide of *Fife*, It is ane great occaſion of dearth of all kinde of fleſche, ſeeing the haill Skippers, Maiſters of Schippes, and mariners, in all partes of this Realme, takes foorth of the ſamin, in great abundance and quantitie, under cullour and pretenſe of the victualling of their Schippes, mair nor may ſerve and ſuſteine them for their voyage. FOR remeid quhairof in time cumming, it is ſtatute and ordained, be our Soveraine Lord, and the three Eſtaites of this preſent Parliament, that all kinde of fleſh, for victualling of their ſchippes in time cumming, be packed within the free Burghs and Portes, quhair the ſaidis Schippes lyes, and ar to depart fra, and na utherwaies. And that the Proveſt, Baillies, and cuſtomers of the ſaids Burrowes, viſie and conſider diligentlie, how meikle fleſche may ſerve everie Schip, and her equippage, for that preſent voyage, and according to the number of the equippage and companie, appoynt to everie ſchip ſa mony barrelles or punſcheons, as for that preſent voyage, ſall ſufficientlie ſerve them, to the firſt port they ar frauchted to, and thereafter mark the ſaidis barrelles or punſcheons, appoynted be them, to the furniſhing of the ſaidis ſchippes, with the commoun marke of the ſaid Burgh. Providing alwaies, that in caſe the ſaidis Skippers, Maiſters or Marineris, take ony mair fleſch foorth of the Realme nor may ſerve and ſuſteine them, for that voyage, according to the number of their equippage, and as ſall be appoynted to them in maner foirſaid, and marked as ſaid is, that the ſaidis Proveſt, Baillies, and Cuſtomers, everie one of them, within their awin offices and juriſdiction *reſpective*, ſearch, ſeek, take and apprehend the ſuper-plus of the ſaid fleſh, ſchipped in the ſaidis ſchippes, by and attour the furniture appoynted to them, for that voyage, as ſaid is, eſcheit and in-bring the ſamin, to our Soveraine Lordis uſe, deliver the ſamin to his Theſaurer, for the quhilk, he ſall be halden to anſwere our Soveraine Lord, zeirlie, in his Checker.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES, and uthers, made be KING JAMES the Sext, and not imprinted.

In this fifth Parliament, 25. of Julij. 1578.

1 *DEclaration of the freedome of the ſaid Parliament.*
2 *The Ratification of the acceptation of the Regiment, be the Kings Majeſtie, in his awin perſon.*
3 *Nomination and Election of the Kings Councell.*
4 *Anent the viſitation of Univerſities and Colledges.*
5 *Ane diſcharge given to JAMES, Erle of* Mortoun *of his Regiment.*
6 *Ane exoneration of umquhile JOHN, Erle of* Mar, *anent the keeping of our Soveraine Lordis perſon, within the Caſtle of* Striviling.
7 *The alteration of the Faire of* Irving.
8 *The changing of vacance of the Lords of Seſſion.*
9 *Commiſſion for confirmation of Teſtaments, and placing of Commiſſaris.*
10 *Commiſſion anent the Lawes: commiſſion for the policie of the Kirke.*
11 *Ratification of the gift maid to the Proveſt and Maiſters, of the auld Colledge of* Saint-Andrewes.
12 *Ane penſion granted to the Countes of* Mar.
13 *Commiſſion anent the cuinzie.*
14 *Taxation of ten thouſand Markes, for the beeting of the brig of* Tay.
15 *Ane Act concerning the kindlie tennents of the Biſchoprik of* Dumblane.
16 *Commiſſion concerning recognition of landes, within Burgh.*

FINIS.

THE

THE SEXT PARLIAMENT,

Halden and begun at Edinburgh, *the XX. daie of October, the zeir of God, 1579. zeires; Be* JAMES *the Sext, be the Grace of God, King of* SCOTTES, *and the three Eſtaites of this Realme.*

68. *Anent the trew and haly Kirk, and them that ar declared not be of the ſamin.*

OUR Soveraine Lord, with adviſe and conſent of his three Eſtaites, and haill bodie of this preſent Parliament, ratifies and apprevis, all and quhat-ſum-ever actes and ſtatutes maid of befoir, be his Hienes, with adviſe of his Regentis, in his awin reigne, or his predeceſſoures, anent the libertie and freedome of the trew Kirk of God and Religion, now preſently profeſſed within this Realme; And ſpecially ratifies and apprevis, the ſext act of his Hieneſſe Parliament, halden the firſt zeir of his Majeſties reigne, intitulat, *Anent the trew and halie Kirk, and of them that ar declared not to be of the ſamin.* Ordaining the ſame to be heir inſert of new (becauſe of ſum defection and informalitie of words in default of the Prenter) in this forme. OUR Soveraine Lord, with adviſe of his three Eſtaites, and haill bodie of this preſent Parliament, hes declared and declaris the Miniſters of the bliſſed Evangel of Jeſus Chriſt, quhome God of his mercie hes now raiſed up amangs us, or heiraſter ſall raiſe, agreeing with them that now lives, in doctrine and adminiſtration of the Sacraments, and the peopil of the Realme that profeſſis Chriſt, as he is now offered in his Evangel, and dois communicate with the halie Sacraments (as in the reformed Kirkes of this Realme ar publicklie adminiſtrate) according to the confeſſion of the faith, to be the trew and halie Kirk of Jeſus Chriſt, within this Realme, and decernis and declaris, that all and ſindrie, quha outher gainſayis the word of the Evangel, received, and appreved; As the heades of the Confeſſion of the faith, profeſſed in Parliament of befoir, in the zeir of God, 1560. zeires: as alſwa ſpecified and Regiſtrat in the actes of Parliament, maid in the firſt zeir of his Hieneſſe Reigne, mair particularlie dois expreſſe, ratified alſwa and appreved in this preſent Parliament; Or that refuſis the participation of the halie Sacraments, as they ar now miniſtrat; to be na members of the ſaid Kirk, within this Realme, and trew Religion now preſently profeſſed. Sa lang as they keip themſelves ſa divided, from the ſocietie of Chriſts body.

69. *Quhairin conſiſtis the juriſdiction of the Kirk.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes declared and granted juriſdiction to the Kirk, quhilk conſiſtis and ſtands in the preaching of the trew worde of JESUS CHRIST, correction of maners, and adminiſtration of the halie Sacraments, and declairis that there is na uther face of Kirk, nor uther face of Religion, then is preſentlie be the favour of GOD eſtabliſhed within this Realme, and that there be na uther juriſdiction Eccleſiaſtical acknowledged within this Realme, uther, then that quhilk is, and ſall be within the ſamin Kirk, or that quhilk flowis their-fra, concerning the premiſſes.

70. *Diſcharge of Mercattes, and labouring on Sabboth-dayes, or playing and drinking in time of Sermon.*

ITEM, For-ſa-meikle as it is ſtatute and ordained, be a gude and Godlie Act, maid in the dayes of King JAMES the fourth, our SOVERAINE LORDIS Grandſchir, of worthie memorie, that there be na Mercattes nor Faires halden upon Haly dayes, nor zit within Kirkes, or Kirk-zairdes upon Halie dayes or uther dayes, under the payne of eſcheitting of the guddes; Quhilk Act, our Soveraine Lord, and his three Eſtaites, ratifies and apprevis, and ordainis the ſame to have effect and execution in time cumming. And ſeeing that the Sabboth-day, is now commounly violate and broken, alſweill within Burgh, as to Landwart, to the great diſhonour of GOD, be halding and keiping of the ſaidis Mercattes and Faires, on Sabboth-dayes, uſing of handie-labour, and woorking thereon, as on the remanent dayes of the oulk, and be gamming and playing, paſſing to Tavernes and Aile-houſes, and wilfull remaining from their Paroche Kirk, in time of Sermon or prayers on the Sabboth. THEIRFOIR his Majeſtie, and his three Eſtaites, in this preſent Parliament ſtatutis and ordainis, that there be na Mercattes nor Faires halden upon the Sabboth-day, nor zit within Kirkes or Kirk-zairdes, that day or ony uther day, under the paine of eſcheitting of the guddes, to the uſe of the pure within the Paroche. And ſik-like, that na handie-labouring, nor woorking, be uſed on the Sabboth-day, nor na gamming

and playing, paſſing to Tavernes and Aile-houſes, or ſelling of meat or drink, or wilfull remaining fra their Paroche Kirk, in time of Sermon or Prayers on the Sabboth-day be uſed, under the paines following: That is to ſay, of everie perſon, for the handie-labouring and woorking, commonlie uſed be the pureſt ſort, ten ſchillings, and for gamming, playing, paſſing to Tavernes and Aile-houſes, ſelling of meat and drink, and wilfull remaining from their Paroche Kirk, in time of Sermon or Prayers on the Sabboth-day, of everie perſon twentie ſchillings, to be applyed to the helpe and relieſe of the pure of the Parochin. And in caſe of the refuſe, or inhability of ony perſon offending in the premiſſes, to pay the ſaids paines *reſpective*, preſentlie and indelaiedlie, upon their apprehenſion or conviction, after lauchfull tryal, he or ſhe, ſall be put and halden in the ſtoks, or ſik uther engine, diviſed for publick puniſhment, be the ſpace of twenty foure houres. And for execution heirof, the Kingis Majeſties commiſſion of Juſticiarie, ſall be granted to ſum perſone in every Parochin, beſt affected and maiſt abill to performe the ſame, at the requeſt of the Miniſter.

71. *Anent the zouth & uthers bezond ſea, ſuſpected to have declined fra the trew Religion.*

ITEM, Becauſe ſindrie of the zouth of this Realme, paſſing to the partes bezond ſea, becummis corrupted in Religion, quhairof great inconvenient may follow. THEREFOIR it is ſtatute and ordained, that all perſones, the ſonnes of Nobil-men, Gentil-men, or uthers pretending the cauſe of their departure to be for atreining to farther knawledge in letteris, ſall before their ſaid departure ſute, and obteine the Kingis Majeſties licence to that effect, conteining ane proviſion, that they ſall remaine conſtant in the profeſſion of the trew Religion, publicklie preached, and be Lawe eſtabliſched within this Realme, and do, nor procure nathing to the prejudice thereof, or of his Hienes and his Authoritie, under the paine of Barratrie. As alſwa the ſaidis perſones, within the ſpace of twentie dayes, after their returning within this Realme, ſall paſſe to the Biſchop, Super-intendent, or Commiſſioner of the Kirks, within the bounds quhair they arrive, or happinis to make reſidence, and there offer to make and give the Confeſſion of their Faith, according to the trew and Chriſtian Religion preached, and be Law eſtabliſched within this Realme, or then within 40. dayes thereafter devoyde and remove themſelves furth of this Realm, quhairin gif they failzie, that they be admoniſhed and perſewed, as the Adverſaries of the ſaide trew Religion. And for ſik perſones, as are alreadie furth of this Realme, and hes declined fra the trew Religion, that the order appoynted in the Lawes alreddie maid, be uſed and execute againſt them, according to the direction and tenour theirof, in all poyntes.

72. *That houſhalders have Bibles and Pſalme-buiks.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites in this preſent Parliament, that all Gentil-men, houſhalders, and uthers worth 300. markes of zeirly rent or abone, and all ſubſtantious Zeamen or Burgeſſes, likewiſe houſhalders eſteemed worth 50. poundes in landes or gudes, be halden to have an Bible, and Pſalme-buik in vulgar language in their houſes, for the better inſtruction of themſelves and their families, in the knawledge of God, within zeir and day after the date heirof, ilk perſone under the paine of x. poundis. And that the Proveſt and Baillies of ilk Burgh, and ſik perſons in every Parochin to landwart, as ſall have the Kings Commiſſion, ſearch, inquire and trye quha failzies herein, and they being convict thereof, to uptake the ſaid paine of every an that failzies, the thrid part to themſelves for their paines, and the twa part to the help and relieſe of the pure of the Parochin.

73. *For the releif of the labourers of the ground, troubled for want of timous teinding of their Cornes.*

THE Kings Majeſtie, and the three Eſtaites of this preſent Parliament, underſtanding the great skaith and inconvenient, ſuſteined be the labourers of the grounde within this Realme, throw the default of the Teinding of their cornes in dew time, be the malice of ſik as hes titles, or takkes of their ſaidis teindes, of times cauſing the ſaidis labourers of the ground, for default of Teinding of their ſaidis cornes in dew time, to tyne their cornes, or fall in danger of ſpuilzie. For remeid quhairof, our ſaid Soveraine Lord, with advife of his ſaidis three Eſtaites, ſtatutis and ordainis, That all perſons havand titil or takkes to ony teind ſcheves, and being in uſe of Teinding, or intending ony wiſe to leade the ſame, ſall paſſe or ſend, and cauſe teind the ſaidis cornes, ay as the ſamin is readie, within aucht dayes after the ſcheering thereof, quhilk gif they delay to do, that at the end of the requiſition underwritten, it ſall be lauchfull to the awner of the ſaidis cornes, to take twa honeſt Nichtbouris, ſworne in preſence of famous witneſſes, and to teind his ſaidis cornes, leade the ſtok theresfra, and place the teind ſtakked upon the ground, quhilk the awner of the ſaidis cornes, ſall be halden to keip undeſtroyed and eaten be beaſtes, quhill the firſt day of November thereafter. Providing that he require teinding of the partie havand the titill, takke or richt to the ſaidis teind ſcheves, oppenlie in the Paroch Kirk, upon three ſeveral Sabboth-dayes before noone, after the ſcheering of the ſaidis cornes. Quhilk order being dewlie and faithfullie obſerved be the owner of the ſaid cornes, It ſall be ſufficient warrand and defence for him, againſt all action of ſpuilzie that may be perſewed againſt him, for intromiſſion with his ſaidis cornes, he teindand thankfullie, with

with the perſone havand titill or takke of his ſaidis teindes, and making na impediment to the teinding and leading theirof in hie wayes, or upon ony ground that is ſchorne.

74. *For puniſhment of ſtrang and Idle Beggars, and reliefe of the pure and impotent.*

FORSAMEIKLE as there is ſindrie lovabill Acts of Parliament maid be our Soveraine Lords maiſt nobill Progenitours, for the ſtanching of maiſterfull and idle Beggers, away putting of fornares, and proviſion for the pure: Bearing, that nane ſall be thoiled to beg, nouther to Burgh nor to land, betwixt 14. and 70. zeires. That ſik as makes themſelves Fules and ar Bairdes, or uthers ſiklike runners about, being apprehended, ſall be put in the Kingis Waird or irones, ſa lang as they have ony gudes of their awin to live on. And ſra they have not quhairupon to live of their awin, that their eares bee nayled to the Trone, or to an uther tree, and their eares cutted off, and baniſhed the countrie, and gif thereafter they be found againe, that they be hanged.

ITEM, That nane bee thoiled to begge in ane Parochin, that ar borne in ane uther. That the headeſmen of ilk Parochin, make takinnes, and give to the Beggares theirof, that they may bee ſuſteined within the boundes of that Parochin. And that nane uther bee ſerved with almes, within that Parochin, but they that bearis that takinne allanerlie, as in the Actes of Parliament maid theiranent, at mair length is conteined. Quhilkes in time bygane, hes not bene put to dewe execution, throw the iniquitie and troubles of the time by-paſt, and be reaſſoun that there was not heirtofoir ane ordour of puniſchment, ſa ſpeciallie deviſed, as need required, bot the ſaidis Beggares, beſides the uthers inconvenientes, quhilks they daylie produce in the commounwealth, procures the wrath and diſpleaſure of GOD, for the wicked and ungodlie forme of living, uſed amangs them, without mariage or baptizing of a great number of their bairnes. THEREFOIR now, for avoyding of the inconvenients, and eſchewing of the confuſion of ſindrie Lawes & Actes, concerning their puniſchment, ſtanding in effect: And that ſum certaine execution, and gude ordour may follow theranent, to the great pleaſure of Almichtie GOD, and commoun weill of the Realme: IT IS thocht expedient, ſtatute and ordained, alſweill for the utter ſuppreſſing of the ſaidis ſtrang and idle beggers, ſa contageous enimies to the commoun weill: As for the charitabill releeving of aged and impotent pure peopil, that the ordour and forme following bee obſerved: That is to ſay, that all perſones, being above the aige of fourteene and within the aige of threeſcoir and ten zeires, that heirafter ar declared and ſet foorth be this Act and ordour, to be vagaboundes, ſtrang and idle beggars, quhilkes ſall happen at ony time heirafter, after the firſt day of Januar nixt-to-cum, to bee taken wandering and miſordering themſelves, contrarie to the effect and meaning of thir preſentes, ſall be apprehended, and upon their apprehenſion be brocht befoir the Proveſt and Baillies within the Burgh, and in everie Parochin to Landwart, befoir him that ſall be conſtitute Juſtice be the Kingis Commiſſion, or be the Lords of Regalitie, within the ſamin to this effect: And be them, to bee committed in waird, in the commoun priſon, ſtokkes or irons, within their juriſdiction, there to be keiped, unlatten to libertie, or upon bande or ſovertie, quhill they be put to the knawledge of ane Aſſiſe, quhilk ſall be done within ſex dayes thereafter. And gif they happen to be convicted, to bee adjudged to be ſcourged and burnt throw the eare, with ane hote iron: The proceſſe quhairof ſall be regiſtrate in the Court buikes. Except ſum honeſt and reſponſall man, will of his charitie, bee contented then preſentlie, to Act himſelfe before the Judge, to take and keip the offender in his ſervice, for ane haill zeir nixt following, under the paine of twentie pound, to the uſe of the pure of the Toun or Parochin. And to bring the offendour to the head Court of the juriſdiction at the zeires end, or then gude pruiſe of his death, the Clerke taking for the ſaid Acte, twelve pennies onely: And gif the offender depart and leave the ſervice within the zeir, againſt his will that receivis him in ſervice: Then being apprehended, he ſall be of new preſented to the Judge, and be his command, ſcourged and burnt throw the eare, as is foreſaid. Quhilk puniſchment, being anis received, he ſall not ſuffer againe the like, for the ſpace of threeſcoir dayes thereafter, bot gif at the ende of the ſaidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he ſall be adjudged, and ſuffer the paines of death as a thief.

Vagabounds & idle beggars ſuld be puniſhed.

Of him quha flyes fra his maſters ſervice.

And that it may be knawen, quhat maner of perſones ar meaned to bee idle and ſtrang beggares, and vagabounds, and worthie of the puniſchment before ſpecified. IT Is declared, that all idle perſones, ganging about in ony Countrie of this Realme, uſing ſubtill, craftie, and unlauchfull playes, as Juglarie, Faſt-and-lous, and ſik uthers. The idle peopill calling themſelves *Egyptians*, or any uther, that feinzies them to have knawledge of Charming, Prophecie, or uthers abuſed ſciences, quhairby they perſwade the peopill that they can tell their weirdes, deathes and fortunes, and ſik uther phantaſticall imaginations: and all perſones being haill and ſtarke in bodie, and abill to woorke, alledging them to have bene herried or burnt, in ſum far pairt of the Realme, or alledging them to be baniſhed for ſlauchter, and uthers wicked deides: and uthers nouther havand land nor Maiſters, nor uſing ony lauchfull merchandice, craft or occupation, quhairby they may win their livings, and can give na reckoning how they lauchfullie get their living: & all Minſtrelles, Sangſters, and Tale-tellers, not avowed in ſpeciall ſervice, be ſum of the Lords of Parliament or great Burrowes, or be the head Burrowes and Cities, for their commoun Minſtrelles: all commoun labourers, being perſonnes abill in bodie, living idle, and fleeing labour: all counterfaicters of licen-

Quha ſuld be eſteemed vagabounds and idle beggars.

ces to beg, or uſing the ſame, knowing them to be counterfaicted: all vagabound ſchollers of the Univerſities of *Saint-Andrewes*, *Glaſgow* and *Abirdene*, not licenced be the Rector and Deane of Facultie of the Univerſitie, to aske almes: all Schip-men and Mariners, alledging themſelves to be ſchip-broken, without they have ſufficient teſtimonialles, ſall be taken, adjudged, eſteemed and puniſhed, as ſtrang Beggarres and Vagaboundes. And gif ony perſon or perſones, after the ſaid firſt of Januar nixt-to-cum, gives money, harberie or ludgeing, ſettis houſes, or ſhawis ony uther reliefe, to ony vagabound or ſtrang begger, marked or to be marked, wanting an licence of the Proveſt and Baillies within Burgh, or of the Judge within that Parochin: The ſamin being dewlie provin at the Court, they ſall pay ſik unlaw to the uſe of the pure of the Parochin, as be the Judge, at the Court ſall be modified, ſwa the ſame exceed not five punds. And alſwa, gif any perſon or perſones, diſturbis or lettis the execution of this Act ony maner of wayes, or makis impediment againſt the Judges and ordinarie officiars, or uthers perſones, travelling for the dew Execution heirof, they ſall incur the ſame paine quhilk the vagabound ſuld have incurred, in caſe he had bene convict. Providing alwayes that ſchip-men and ſouldiours, landing in this Realme, have licence of the Proveſt or Baillie of the Towne, or Judge in the Parochin, quhair they war ſchippe-broken, or firſt entred in the Realme, ſall, and may paſſe, according to the effect of their licences, to the rowmes quhair they intend to remayne. And that the licences onelie ſerve, in the juriſdiction of the giver; Sa that gif the perſon travelling hame, have farther journey, he procure the like licences of the Judge of the nixt Parochin or Town, throw quhilk he mon paſſe, and ſa fra Parochin to Parochin, quhill he be at his reſting place. And that there be certaine perſones, ane or maa nominate, in everie Burgh and Parochin, be the officers and Judge thereof, for ſearching, receiving, and convoying of the vagaboundes, to the commoun priſon, Irones or ſtokkes, upon the commoun charges of the Parochin. Quhilkes perſones ſa erected, ſall be halden to do their dewtie diligentlie, as the ſaidis Judges will anſwere there-upon. And ſeeing charitie wald, that the pure aged, and impotent perſones, ſuld be als neceſſarilie provided, as the vagaboundes and ſtrang beggars repreſſed, and that the aged, impotent, and pure people, ſuld have ludgeing and abiding places, throughout the Realme, to ſettle themſelves intill.

Of them quha maintenes or receipts vagabounds.

Of them quha ſtayes the execution of this Act.

Of ſoldiers and ſchip-broken men.

Searchers of vagabounds.

Reparation of Hoſpitalles, for aged & impotent perſones.

Inquiſition ſuld be taken of aged, pure, and impotent perſones.

All pure people ſuld returne to their awin Parochin. And of their ſuſtentatioun.

IT IS therefore thocht expedient, ſtatute and ordained, that the Lorde Chancellar, according to the direction, of ſindrie lovabill Actes of Parliament heirtofoir maid, ſall call for the erectiones of all Hoſpitalles, to be produced befoir him, and inquire and conſidder, the preſent Eſtaite theirof, reducing them, ſa far as is poſſible, to the firſt inſtitution, as may beſt ſerve, for the helpe and relieſe of the ſaidis aged, impotent, and pure peopill. And als that the Proveſts and Baillies of ilk Burgh and Towne, and the Juſtice conſtitute, be the Kings commiſſion, in every Parochin to landwart, ſall betuixt and the firſt ſaid day of Januar nixt-to-cum, take inquiſition of all aged pure, impotent and decayed perſones, borne within that Parochin, or quhilkes war dwelling, and had their maiſt commoun reſorte in the ſaide Parochin, the laſt ſeven zeires by-paſt, quhilkes of neceſſitie mon live bee almes: And upon the ſaid inquiſition, ſall make ane Regiſter buike, conteining their names, and ſur-names, to remaine with the Proveſts and Baillies within Burgh, and with the Juſtice in everie Parochin to Land-wart: And to the effect, that the number of the pure people of everie Parochin, may be knawin, ſtatutis and ordainis, that all pure peopill, within fourtie dayes after the Proclamation of this preſent Act, at the mercat Croce of *Edinburgh*, repayre to the Parochin, quhair they were borne, or had their maiſt commoun reſorte or reſidence, the laſt ſeven zeires by-paſt, and there ſettil themſelves, under the paine, to bee puniſhed as vagaboundes, and contravenars of this preſent Proclamation: And the ſaid ſpace of fourtie dayes being by-paſt: That then, the Proveſts and Baillies within Burrowes, and the Judge conſtitute, be the Kingis commiſſion in ilk Parochin, to Land-wart, make a Catalogue, of the names of the ſaidis pure people, inquire the men and wemen, quhair they wer borne, quhidder they ar maryed or un-maried, quhen, and be quhom they war maried, and quhat bairnes they have, and quhair their bairnes wer baptized, and to quhat forme and trade of life, they addreſſe themſelves, and their ſaidis bairnes: Gif they be diſeaſed or haill, and abill in bodie, and quhat they get commounly on the daye, be their begging: And ſik as neceſſairlie mon be ſuſteined be almes, to ſee quhat they may be maid content of their awin conſentis, to accept daylie to live unbeggand, and to provide quhair their remaining ſall be, be them-ſelves, or in hous with others, with adviſe of the Parochiners, quhair the ſaidis pure peopill, may be beſt ludged and abyde. And thereupon, according to the number, to conſider quhat their neidefull ſuſtentation will extende to everie oulk: and then, be the gude diſcretions of the ſaidis Proveſts, Baillies and Judges, in the Parochinis to Land-wart, and ſik as they ſall call to them to that effect, to taxe and ſtent the haill inhabitantes within the Parochin, according to the eſtimation of their ſubſtance, without exception of perſones, to ſik ouklie charge and contribution, as ſall be thocht expedient and ſufficient, to ſuſteine the ſaidis pure peopill. And the names of the inhabitants ſtented, togidder with their taxation, to bee likewiſe regiſtrate: And that at their diſcretion, they appoynt overſeers and Collectours in everie Burgh, Toun and Paroche, for the haill zeir, for collecting and receiving of the ſaid ouklie portion, quhilkes ſall receive the ſame, and deliver ſa-meikle thereof to the ſaidis pure peopill, and in ſik maner, as the ſaidis Proveſt and Baillies within Burgh, and Judges, in the Parochin to Land-warte, *reſpective*, ſall ordaine and command; And that overſeeres of the ſaidis pure peopill, be appoynted be their diſcretions, to continue alſo for a zeir. And at the end of the zeir, that the taxation and ſtent Roll, be alwayes maid of new, for the alteration that may be throw death, or be incres or diminution of mennes guddes and ſubſtance. And that the Proveſts and Bailles in Burrowes or Tounes, and the ſaidis Judges, in the Parochinnes to Land-

Collectors for almes.

Over-ſeers.

The ſtent Roll.

wart,

wart, ſall give an Teſtimoniall to ſik pure folk, as they finde not borne in their awin Parochin, or making reſidence therein, the laſt ſeven zeires, ſending or directing them to the nixt Parochin, and ſa fra Parochin to Parochin, quhill they be at the place quhair they were borne, or had their maiſt commoun reſort and reſidence, during the laſt ſeven zeires preceeding; there to be put in certaine abiding places, and ſuſteined upon the commoun almes, and ouklie contribution, as is befoir ordained, except Leprous peopill, and bedfaſt peopill, quhilks may not be tranſported. Providing that it be leifull to the pure peopill, ſa directed, to their awin abiding places, with Teſtimonialles to aske almes in their paſſage, ſa as they paſſe the direct way, not reſting twa nichtes togidder in ony an place, without occaſion of ſeekeneſſe or ſtorme impeede them. *Teſtimonialles to bee given to the pure.*

And gif ony of the pure peopill refuſe to paſſe and abide in the places appoynted, or after the appoyntment, be found begging, then to be puniſhed be ſcourging, impriſonment, and burning throw the eare, as vagabounds and ſtrang beggars: and for the ſecond fault, to be puniſhed as thieves, as is befoir appoynted. And gif the perſones choſen Collectoures, refuſe the office, or having accepted the ſame, beis found negligent therein, or refuſis to make their compts everie half zeir anis, at the leaſt, to the Proveſts and Baillies in Burrowes, and to the ſaidis Judges in Land-wart, and to deliver the ſuper-plus of that quhilk reſtis in their handes, at the end of the zeir, or halfe zeir, to ſik as ſall be choſen Collectours of new: Then ilk-ane of the Collectours ſo offending, ſall incur the paine of twentie punds, to the uſe of the pure of that Parochin, and impriſonment of their perſones, during the Kingis will: For quhilkes paines, the ſaidis Proveſts, Baillies and Judges, ſall poynd and diſtrenzie: And gif ony perſones, being abill to further this charitable woorke, will obſtinatlie refuſe to contribute to the reliefe of the pure, or diſcourage uthers from ſa charitabill ane deede; The obſtinate or wilfull perſon, being called befoir the ſaidis Proveſts and Baillies within Burgh, or Judges in the Parochins to Land-wart, and convict thereof, be ane Aſſiſe, or ſufficient teſtimonie of twa honeſt and famous witneſſes his nichtbours, upon the ſupplication of the ſaidis Proveſts, Baillies & Judges, to the Kings Majeſtie, and his privie Councell: the obſtinate and wilfull perſon or perſones, ſall be commanded to waird in ſik pairt, as his hienes, and his Councell ſall appoynt, and there remaine, quhill he be content with the ordour of his ſaid Paroch, and performe the ſame in deede; And gif the aged and impotent perſones, not being ſa diſeaſed, lamed or impotent, bot that they may woork in ſum maner of wark, ſall be bee the overſeers in ony Burgh or Parochin, appoynted to wark, and zit refuſis the ſame: Then firſt the refuſer to be ſcourged, and put in the ſtokkes: and for the ſecond fault, to be puniſhed as vagabounds, as ſaid is. And gif any Beggars bairne, being above the age of five zeires, and within fourteene, male or female, ſall be liked of, be ony ſubject of the Realme of honeſt eſtait: The ſaid perſon, ſall have the bairne, be ordoure and direction of the ſaidis Proveſt and Baillies within Burgh, or Judge in every Parochin to Land-wart. Gif he be a man-child, to the age of xxiv. zeires, and gif ſche be a woman child, to the age of xviij. zeires, & gif they depart, or be taken or intiſed from their Maiſter or Maiſtreſſe ſervice, the Maiſter or Maiſtreſſe, to have the like action and remedie, as for their hired ſervand or prentiſes, aſweill againſt the bairne, as againſt the taker, and intiſer thereof. And quhair collecting of money may not be had, and that it is over great ane burding to the Collectours, to gadder victualles, meat and drink, or uther things, for reliefe of the pure in ſum Parochines; That the Proveſt and Baillies, in Burrowes, and the ſaidis Judges, in the Parochines to Land-wart, be adviſe of certaine of the maiſt honeſt Parochiners, give licence under their hand-writs to ſik, and ſa many of the ſaidis pure people, or ſik uthers of them, as they ſall think gude, to aske and gadder the charitable almes, of the Parochiners, at their awin houſes. Sa às alwayes, it bee ſpeedely appoynted and aggried, how the pure of that Parochin, ſall be ſuſteined within the ſame, and not to be chargeable to uthers, nor troubleſome to ſtrangers. And ſeeing be reaſon of this preſent act and ordour, the commoun priſones, irones and ſtokkes of everie head Burgh of the Schire, and uthers Townes, ar like to be filled, with ane greater number of priſoners, nor of before hes bene accuſtomat, in ſa far, as the ſaidis vagaboundes, and uthers offendours, ar to be committed to the commoun priſon of the Schire or Towne, quhair they were taken, the ſame priſones being in ſik Townes, quhair there is great number of pure peopill, mair nor they ar weill abill to ſuſteine and relieve: And ſa the priſoners ar like to periſh in default of ſuſtenance: Therefoir the expenſes of the priſoner, ſall be payed be a pairt of the commoun contributions, and oukly almes of the Parochin, quhair he or ſche was apprehended, allowand to ilk perſon daily ane pounde of Ait breade, and water to drink. For payment quhairof, the preſenter of him to priſon, ſall give ſovertie, or make preſent payment. And that the Schireffes, Stewardes and Baillies of Regalities, and their Baillies over all the Realme, and their deputes, ſee this preſent act, put to dew execution in all poyntes, within their juriſdictions *reſpective*, as they will anſwere to God, and our Soveraine Lord thereupon. And quhat ever doubt or ambiguitie ſall happen to ariſe upon this preſent Act, or ony pairt thereof: OUR SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites, committis the interpretation, explanation, ſuppliement, and full execution thereof, to his Majeſtie, with adviſe of his privie Councell.

Of the pure refuſand to returne to their awin Parochin. Collectors.

Of them quha refuſit to contribute to the help of the pure.

Of the pure refuſand to woorke.

Of beggeris bairnes.

Collection of victualles, meat & drinke.

Expenſes of priſoners.

Execution of this act.

Interpretation of this Act.

75. *For puniſhment of perſones, that contemnandly remaynes rebelles, and at the Kings Horne.*

FOrſameikle, as the contempt of our Soveraine Lordis authoritie, and of the Lawes and ordinar Juſtice of the Realme, is the ground and fountaine fra quhilk, the maiſt part of all confuſion and diſordour proceedis,

ceedis, and amangs uthers evilles, the diſobedience of the proceſſe of horning is ſa great and commoun, that the perſones denunced rebelles, takes na feare theirof, and the parties hurtand in their intereſt, that hes obteined decreetes and letters, with their infinite expenſes and coaſte, can get na execution nor redreſſe. And how-beit, be an Acte and ordinance, maid be the Lordes of Seſſion, it was provided, that all Officiars, immediatly after their denuntiation of ony perſones to the horne, ſuld paſſe to the Schireffe of the Schire, quhair they dwelt, and intimate to him the ſame, requiring him in our Soveraine Lordis name and authoritie, to make ane juſt inventure of all the ſaidis perſones gudes, to the effect, that the ſamin micht be inbrocht to his hieneſſe uſe, for their contemption: And that the ſaidis Officiars, ſuld deliver to the ſaide Schireffe ane authentick copie of the ſaidis letters, with the execution of the ſame, ſubſcrived with their hand, & within aucht dayes thereafter, ſuld paſs to the Theſaurer or his Clerkes, and deliver to them ane uther copye of the ſaidis letters, with the execution of the ſame, in like maner ſubſcrived, with the ſaidis Officiars handis, to the effect foirſaid, conforme to the ſaid Act and ordinance. Nevertheleſſe the ſamin hes bene neglected of the maiſt part, and na wiſe followed be the ſaidis Officiars; Swa that the impunitie of ſik heynous attemptates, and open Rebellion, hes brocht our Soveraine Lordis authoritie in contempt, and maid the multitude of rebelles ſa great, that it ſall be difficill to knaw them fra the Kings obedient ſubjectes, without ſum haaſtie remeede be provided. Notwithſtanding, that be the foirſaid ordinance of the Lordes of Seſſion, and uthers lovabill Lawes and Acts of Parliament, eſtabliſhed be his Hienes, and his maiſt Noble progenitors gude ordour be taken for avoyding of the ſaid confuſion: zit the negligence of the dew execution theirof, hes bred this great inconvenient. Quhilk now our Soveraine Lord, for the furtherance of his obedience, and univerſall weill of his ſubjectes, preſently intends, as God ſall grant opportunitie, to remeid. Therefoir his Hienes, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordainis, that all letters of horning, execute and indorſat, or that ſall happen to be execute and indorſat, befoir the publication of this preſent act, ſall within the ſpace of fifteene dayes, after the publication theirof, and in all time thereafter, within the ſpace of fifteene dayes, after the denuntiation, be brocht to the Schireffe-Clerk of every Schirefdome, quha ſall regiſtrate the ſame, in the Schireffes buikes, and deliver the principall letters againe execute and indorſat, and noted on the back, regiſtrate ſik a day, and ſubſcrived with his hand, within twenty foure houres, after the receipt theirof, and ſall receive fra the partie awner and preſenter of the ſaidis letters, for his labourers only ſex ſchillings aucht pennies.

Letters of horning ſuld be regiſtrat.

The quhilkes letters and executions theirof, ſwa regiſtrate and ſubſcrived on the back, be the ſaid Schireffe-Clerk, or the copie theirof authenticklie extracted foorth of the ſaid Schireffe buikes, ſubſcrived be the ſaid Schireffe and Clerk, ſall be eſteemed as authentick, and ſall have effect and force in quhat-ſumever Judgement they happen to bee produced, ay and quhill the partie ſwa denunced to the Horne, obteine himſelfe ordourlie relaxed theirfra: Quhilk relaxation, ſall alſwa be maid publicklie, at the mercat Croce of the Schire, quhair he dwellis, and quhair the denuntiation of horning was maid: and that the ſaid relaxation, and execution theirof, ſall be like-wiſe regiſtrate in the ſaid Schireffes buikes, within xv. dayes after the publication thereof, at the mercat Croce, and be alſwa regiſtrate and ſubſcrived on the back, in maner foirſaid, utherwiſe the ſaidis letters of horning and relaxations, ſall na wiſe bee halden lauchfullie and ordourlie execute, bot the executiones theirof null. And that all Schireffes have honeſt famous men to their Clerkes, quha be themſelfes, or their ſufficient deputes, ſall be halden, to be alwaies reſident, within the head Burgh of the Schire, for receiving and regiſtring of the ſaidis hornings and relaxationes, as they ſall occur, and ſall do the ſame trewlie and ordourlie, within xxiv. houres, under the paine of payment of the damnage and intereſt, that the partie ſkaithed happinnis to ſuſteine in their default, at the ſicht and modification of the Lordes of Councell and Seſſion: And that ilk Schireffe, cauſe the names of all the perſones, ſwa denunced and remayning in his regiſter, to be openlie publiſhed and proclaymed, at the mercat Croce of the heade Burgh of the Schire, upon the mercat dayes, preceeding the three head Courtes zeirlie, and affixe the Catalogue of their names, baith on the mercat Croce, and in the Tolbuith, that gif ony of them hes action to perſew, they may be repelled *ab agendo*, and na wayes to be delete furth of the ſaid Catalogue, quhill they be lauchfullie and dewlie relaxed fra the horne. And that everie Schireffe, within the ſpace of xv. dayes, after the heade Court, ſend the Catalogue of the names of the ſaids Rebelles, regiſtrate in his buikes, and ane briefe note of the cauſes, for quhilk they ar denunced, to our Soveraine Lordis Theſaurer, or his Clerk, quha ſall be halden with all diligence to raiſe letters, and cauſe uptake the eſcheittes of the rebelles, to our Soveraine Lords uſe. And quhen our Soveraine Lords Comptroller, Collectour generall, or ony uther perſon, preſents letters of horning, dewlie execute and indorſat, to the ſaid Lord Theſaurer, or his Clerk, for ſpeciall ſummes of money or debt: The Theſaurer ſall cauſe raiſe letters thereupon, at his inſtance, for uptaking of the eſcheit, direct outher to the Schireffe of the Schire, or his deputes, or to Officiars of Armes, as it may beſt ſerve, be adviſe of the complener, of the readieſt and firſt ende of the quhilk eſcheit, the partie complener, ſall be payed of his juſt debt, with the officiars expenſes, and the ſuper-plus of the ſaid eſcheit, to be brocht in to his Majeſties Theſaurer, within the ſpace of ane Moneth thereafter. Providing that the partie complener, and preſenter of the letters, to the Theſaurer, make the firſt expenſes upon the Schireffe or Officiar, that ſall be directed, for uptaking of the ſaidis eſcheit guddes, quhill the eſcheit ſelfe, may releeve the ſaidis expenſes, and then the ſame to be tane, and allowed of the eſcheit. And incaſe the officiar direct for uptaking of the ſaid eſcheit, beis violently deforced & ſtopped in execution of his office, then upon the complaint of the ſaid Lord Theſaurer, or of the Officiar or partie, that wants payment

Relaxation ſuld be Regiſtrat.

Schireffe-Clerkes.

The names of the Rebels ſuld be publiſhed.

And give to the Theſaurer.

Eſcheit ſuld be taken up be the Theſaurer.

Deforcement of the Officiar.

ment of his debt, letters ſall be direct, be deliverance of the Lordes of Councell, chargeing the Schireſſe of the Schire, and his deputes: Or gif it be underſtand, that the Schireſſe will not, or may not, chargeing ſum of the Nobill-men, Barronnes, Gentle-men of gude power within the Schiresdome, beſt affected to the furth ſetting of our Soveraine Lords authority and Juſtice, to convocate his hienes lieges in weir-like maner, and to paſſe and concur with the ſaid Officiar, that beſoir was deforced and ſtopped, and ſee the command of the letters execute reallie, and with effect, beſoir they depart off the ground, quhair the ſaids eſcheit guddis remainis: In the quhilk execution, they ſall have all freedomes, priviledges, and immunities, that ar granted be the Lawes of this Realme, to ſik perſones as perſewis the Kings rebelles, to bring them to his Lawes. Providing that this act, nor nathing therein conteined, be prejudiciall to the Lordes of Regalities, or their Baillies, bot they to uſe and bruik their richt and priviledges, baith in execution of letters, and in uptaking of eſcheits, as they micht have done, before the making of this preſent Act. And howſoever the eſcheit be uptaken, upon horning execute, for ſummes of money, quhidder be the Schireſſes, and uthers ordinar Judges, be their awin authoritie, or at command of our Soveraine Lordis letters, that alwayes the partie complener, be firſt ſatisfied of the juſt debt, with the Officiars expenſes.

The tredi-tor is pre-ferred to the King.

76. *For remeede of the fraude and diſorder, uſed be Officiars of Armes, in execution of Criminall letters.*

ANENT The complaint maid to our Soveraine Lord, and the three Eſtaites of this preſent Parliament, be the pure Commouns univerſallie, within this Realme, makand mention, that quhairas it is not unknawin to his Hienes, and his Eſtaites, how JAMES Earle of *Mortoun*, Lord of *Dalkeith*, in his late Regiment, for gude ordour to be had amangſt his Majeſties Officiars of Armes, and uthers parties, that rayſed and perſewed letters upon ſlauchters, mutilations, and uthers capitall crimes, quhairby ane great multitude of complices was ſummond and given in bill, and ſik colluſion uſed betuixt the parties and Officiars foirſaidis executors thereof, that compoſition was tane for deleeting of their names, to the great prejudice of his Majeſtie, they being oftimes knawen, as guiltie of the ſamin crimes, and zit could not be perſewed at the diet appoynted thereto, in reſpect that na ſovertie was found, for reporting of the ſaidis letters, dewlie execute and indorſat, upon the ſaidis complices: And therefoir command was given, be his Hienes lait Regent foreſaid, to the Juſtice Clerk and his deputie; That na letters criminall, in time cumming, ſuld be direct, nor paſt be them, for ſummonding ony complices, to be given in bill, be the partie purcheſſer thereof, bot that the haill perſones complened upon, ſuld be nominate in the bodie of the principall letters. Nevertheleſſe it is of veritie, that divers our Soveraine Lordis Officiars of Armes foreſaidis, without power or Priviledge granted to them, be vertew of the ſaidis criminall letters, not only hes ſummond, and daily zit ſummonds, divers perſones, as complices given in bill, and not nominate in the letters foreſaidis, compelland there-throw ane great pairt of the ſaidis complices, to travell, upon their ſumpteous charges and expenſes, to his Majeſties Burgh of *Edinburgh*, And uther-wayes uſes ſik extortion, that the ſubjectes ar compelled to give the ſaidis Officiares compoſition to deleete their names: Like as alſwa to their greater wrack and heirſchip, the ſaidis Officiares bee colluſioun of divers parties, purcheſſeris of the ſaidis letters, hes ſummond and daylie zit ſummonds ſik multitude of Aſſiſoures, to particular diets, that be compoſition received be the ſaidis Officiars, fra ſubſtantious perſones, quhom they deleete, and drawis furth of their tikket, after they be ſummound, there is, be appearance, of their extortion, neir als meikle profite and compoſition collected, as wald ſatisfie the parties againſt quhome the crimes ar committed, and na uthers ar put in Roll, to compeir upon the Aſſiſe, but a multitude of his hieneſſe pure commounes foreſaidis, quha hes not money to pay compoſition: to their great hurt, travell and expenſes: as alſwa to the prejudice of his Majeſties Theſaurer, and Advocates for his hieneſſe intereſt, quhilkes, for want of ane ſufficient number of Aſſiſoures, ar compelled to conſent to the continuation of ſindrie cauſes. Therefoir, our Soveraine Lord, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordainis, that the Juſtice Clerke, and his deputes, ſall direct na letters in time cumming, for calling of ony complices generallie, to underly the Law, bot that the letters be upon ſpeciall perſones complened upon. And that no Schireſſe or Officiar of armes, executor of ony criminal letters, preſume to take upon hand, to charge or uſe execution, upon ony complices given in bill, attour the bounds and direction of the letters, nor to ſummound ony maa perſons upon ane Aſſiſe, then fourtie five, quhilkes he ſall receive in Roll, fra the partie perſewer, ſubſcribed with his hand, and ſall annex the ſame Roll, unaltered or cancelled, to the end of his execution, under the paine of five hundreth markes, to be incurred be his ſovertie, and the ſaid Officiar to be deprived of his office, and to ſuffer farther paines in his bodie and guddes, at our Soveraine Lordis will. And gif ony partie perſewer, findis that of neceſſitie, hee mon have ane greater number ſummoned upon the Aſſiſe, upon his ſupplication, the ſame ſall be granted, as it ſall appeir reaſonable. In quhilk caſe, the Officiar may ſummound ſa many maa, upon the Aſſiſe, as he ſall be directed be the letters, and receive in Roll, ſubſcrived be the partie, without incurring the paine above written.

The names of all complices ſuld be conteined in the letters.

Aſſiſores in number 45 ſuld be given in Roll.

77. *That the paines of Law-borrowes, ſall be divided betwixt the King and the partie.*

FORSAMEIKLE as the paines of breaking of Law-borrowes, hes bene negligentlie taken up in time by-gane, be reaſon the partie offended unto, received na commoditie, be the perſute of the action. THEREFOIR It is ſtatute and ordained, be our Soveraine Lord, with adviſe of the three Eſtaites of this preſent Parliament: That the paines of breaking of Law-burrowes to be fund in time cumming, ſall be equallie divided, the ane halfe to our Soveraine Lordis uſe, and the uther halfe, to apperteine to the partie offended unto, quha ſall have action to perſew therefoir.

78. *Againſt ſik as troubles their Nichtboures, be criminall perſute ſake-les.*

FOrſameikle, as ſindrie perſones of meere malice and envie, calumniatis innocent perſones, and daylie perſewis them befoir the Juſtice, upon paines criminall, quhairof the perſones accuſed being innocent, ar acquite and maid cleane be the Aſſiſe. And likewiſe ſindrie perſones, that outher in their awin Names, or be the Kingis Advocates upon their information, raiſis criminall letteris and ſummoundis Aſſiſes, from the far partes of this Realme, oftimes uſis to paſſe fra the perſute of the letteris at the Bar, to the great prejudice of our SOVERAINE LORD, and troubill of his hienes lieges. For remeede quhairof, our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament ſtatutis and ordainis, That the ſaidis injuſt perſeweris ſall pay the paines and unlaw *Reſpective* following, in caſe the perſones accuſed happenis to bee acquite of the crymes, layde to their charge, to be equally divided betuixt OUR SOVERAINE LORD and the partie acquite. That is to ſay, gif the partie acquite be onlie ane perſon or maa, of, or within the number of ten, the ſumme of ten pundes, and gif the number acquite bee paſt the number of ten, the ſumme of twentie pundis, and that doome be given theirupon befoir the Juſtice, without farther calling, and the perſewer halden in waird, quhill he make payment. And gif the Kingis Majeſties Advocat be onlie perſewer, his informer to pay the paine foirſaid, And letteris of poinding or horning to be direct, for payment theirof, upon the Act of Adjornall without uther calling or Proces of Law. And that in time cumming, the Juſtice Clerke and his deputes, at the granting of letteris, take ſovertie for againe-bringing of the letteris dewlie execute and indorſat, and that the raiſeris theirof, ſall perſew the ſamin letteris at the day appoynted, under the paine conteined in the Acts of Parliament.

79. *Anent the cheiſſing of Inqueiſtes in cauſes of Perambulatioun.*

BECAUSE There is mony and ſindrie brieves of perambulation, raiſed within this Realm, quhairin the raiſeris of the ſaidis brieves foundis themſelf upon na bounded evident, bot intendis to verifie and preive their claime of the meithis and marches of the landes debaitabill, be the perſones of inqueſt being men of ſmall rent or living, and ſum of them having na heritage, and ſik-like be ſindrie perſones, quha kennis nocht the landes debaitabill, nouther zit dwellis in the countrie neare the ſamin, thinking na objection may be maid againſt them, ſwa that they be *Probi & fideles homines Patriæ*, quhilk as ſum thinkis, honeſt and faithfull, havand geir, woorth the Kingis unlaw, and ſubjectes of the Realme, quhair ever they dwell far ar neare. Quhilk gif it wer trew, men of na heritages ſuld be Judges, and alſwa witneſſes to the property of landis, and tak away mennis heritages and landes perteining to them, and adjudge the ſame to utheris, quha hes little or na richt to the ſamin. THEREFOIR It is ſtatute and ordained, That in all time cumming, in cauſes of Perambulation, na perſones be received upon the Inqueſt theirof, bot honeſt ſubſtantious men, having heritage of their awin, and quha beſt knawis the meithes of the ſaidis landes, and dwellis maiſt eweſt the ſamin, To wit, within the Schireſdome quhair the ſaidis landes debaitabill lyis (gif they may be had within the ſamin) and foure halfis about, or foure nixt Schires, gif they cannot be convenientlie had within the Schire it ſelf. And this to be univerſallie obſerved, quhen the brieve and clame of Perambulatioun, cannot be verified be ane bounded Evident, nor uther authentick writtes.

80. *Anent the ſubſcription and inſerting of Witneſſes in Obligationes, and utheris writtes of importance.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, that all Contractes, Obligationes, Reverſiones, Aſſignationes and diſcharges of Reverſiones, or eikes theirto, and generallie all writtes importing heritabill titill, or utheris bandes and Obligationes of great importance to be maid in time cumming, ſall be ſubſcrived and ſeilled, be the principall parties, gif they can ſubſcrive, utherwiſe be twa famous Notars befoir four famous witneſſes, denominat be their ſpeciall dwelling places, or ſum uther evident takens, that the witneſſes may be knawen, being preſent at that time, utherwiſe the ſaidis writs to mak na faith.

81. *Preſcription in cauſes of ſpuilzies and Ejectiones.*

ITEM, It is ſtatute and ordained be OUR SOVERAINE LORD, with adviſe of his three Eſtaites in Parliament, that all actiones of ſpuilzies, Ejectiones and utheris of that nature be perſewed befoir

befoir the ordinar Judge, within three zeires after the committing theirof, utherwiſe the perſeweris alledged hurt, never to be heard thereafter. Providing that this Act extend not to Minours, bot to perſew within three zeires after their perfite age.

82. *Preſcription in cauſes of Removing.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, that all actions of Remooving be perſewed within three zeires after the warning, with certification & they failzie; the warneris ſall never be heard there-after to perſew the ſamin upon that warning.

83. *Preſcription in certaine cauſes of debt.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, that all actiones of debt, for houſe-mailles, mennis ordinars, ſervands fees, Merchantes comptes, and uther the like debts, that are not founded upon written Obligationes, be perſewed within three zeires, utherwiſe the creditour ſall have na action, except he outher preiſe be writ, or be aith of his partie.

84. *Againſt the deſtroyeris of planting, haning and policie.*

FORSAMEIKIL As there is ſindrie lovabill & gude Acts, maid be our Soveraine Lord, & his maiſt Nobill Progenitouris, ſpecially be his hienes Gudſchir King *James* the Fifth, of gude memory, anent planting of Wooddes, Forreſtes and Orchardes, ſawing of Broome, againſt the deſtroyeris theirof, breakeris of Dowcattes, Cunningaires, Parkes, ſtankes, zairdes, ſlaying of Haires, makeris of Mure-burne in forbidden time, and ſindrie like uther thingis, for puniſhment of the deſtroyeris of planting. haning and policie. Quhilke Acts, our ſaid Soveraine Lord, with adviſe of his three Eſtaites in this preſent Parliament, ratifies, apprevis and confirmis, and ordainis them to have effect and execution in time cumming, not only upon the contraveners theirof, bot alſwa upon the deſtroyers and ſtealeris of Bees, and cutteris and pulleris of Broome, with this addition: that quhat-ſumever perſon ſtealis, pealis, and deſtroyis green-wood, pullis or cuttis haned Broome, breakis zairdis, or Orchardes, without the gude will of the awner: That the offender being taken reidhand, may be perſewed, and put to the knawledge of ane Aſſiſe, befoir the Barron or Landes-lord of the land or ground, quhidder the offender be his tennent, unto quhom the wrang is done or not, within three dayes after the apprehenſion; And uthers not taken reidhand, to be alwaies perſewed befoir the Schireffe, Steward, or Baillie, within quhais boundes and juriſdiction the wrangdoer dwellis. And gif he that receivis the wrang and hurt, be Schireffe, Steward, or Baillie himſelfe, then the wrangdoer, to be perſewed befoir the unſuſpect depute of the ſaidis Schireffe, Baillie or Steward, receivand the wrang. And for the firſt fault, being convict, be his awin confeſſion or witneſſe, ſall pay to the awner of wood, broome, or zaird, the availl of the ſkaith done, togidder with ten pundes; For the ſecond fault, ſall pay to the ſaid awner twentie pundes, with the availl of it that is deſtroyed; And for the thrid fault, ſall pay to the ſaid awner, fourtie pundes, and the availl of it that is ſkaithed: And fra thine foorth, ſa oft as the offender failzies theirafter, the ſaid thrid penaltie to be payed to the awner of the Wood, broome or zairdes. Bot in caſe the committer of the wrang be unreſponſall, he ſall for the firſt fault be put in the ſtokkes, priſon, or irones aucht dayes, on bread and water: And for the ſecond fault, fifteene dayes; & for the thrid fault, ane moneth to lye in the ſtokkes, as ſaid is, and to be ſcourged at the end of the ſaid Moneth: And this but prejudice, to be called at Juſtice courts, at our Soveraine Lords inſtance, conforme to the former uſe and auld Actes. And that the paines for breaking of Dowcattes, Cunningaires and Parkes, be according to this preſent Act and addition abone written. And in caſe the offendours be not reſponſall in guddes, for the ſaidis paines, for the firſt fault to be puniſched, as is abone written, for the ſecond fault the paine likewiſe abone expreſſed, and for the thrid fault hanging to the death.

85. *Ratification of the Priviledges of Burrowes.*

OUR Soveraine Lord, and the three Eſtaites of this preſent Parliament, ratifies and apprevis all and ſindry Priviledges, Liberties, Immunities, Freedomes and Actes of Parliament, maid and granted, be quhat-ſumever his Majeſties maiſt Nobill Progenitoures, in ony time by-gane, in favoures of the Burrowes and Burgeſſes theirof: And decerns and declaris all and ſindrie the ſaidis Acts and conſtitutions, to have full ſtrength and effect in all times heirafter, and that the ſamin be put to full and dew execution in all pointes, after the forme and tenour theirof, and to ſtand as ane perpetuall Law to the ſaidis Burrowes and Burgeſſes, and their ſucceſſoures in all time cumming. And the Lordes of Councell and Seſſion to give and direct letteris, at the ſupplication of the Proveſts, Alder-men, and Baillies of Burrowes, as are aggreabill with the ſaidis Lawes and Actes of Parliament, in all poyntes.

86. *Foir-ſtalling and tranſporting of Herring and quhite Fiſch.*

FORSAMEIKLE As divers Actes hes bene maid, be our Soveraine Lordis maiſt Nobil Progenitoures in time bygane, Ordaining that the ſlayeris of Herring and quhite fiſch, ſuld bring the ſamin to the

next adjacent Burrowes and Townes, quhair the perſones ſlayeris theirof dwellis, to the effect that our Soveraine Lords lieges may be firſt ſerved, and gif abundance occurred, that they micht be ſalted and tranſported be free Burgeſſes. And that the ſaidis Acts, throw negligence and overſichts, hes nocht received execution: Quhairthrow our Soveraine Lord hes bene greatlie defrauded in his Cuſtomes, and his Hienes Lieges wanted the fruit of the Sea, appointed be God for their nuriſhment, and the Burgeſſes and Free-men of Burrowes diſ-appointed of their trafficque and commoditie. THEREFOIR, Our Soveraine Lord, and the three Eſtaites of Parliament, ratifies and approvis all the ſaidis Actes and Conſtitutions maid anent the ſaidis Herring and quhite fiſche, and uſing theirof: Speciallie the Actes made in the times of umquhile his Hienes deareſt Grandſchir King *James* the Fourth, of gude memory, and be his Majeſtie, the time of the Regiment of his richt treſt Couſing *James* Earle of *Mortoun*, Lord of *Dalkeith*, Regent to his Hienes, his Realme and Lieges for the time. And ordainis all and ſindrie the ſaidis Acts to be obſerved and keiped in all poyntes, after the forme and tenour theirof, and the contraveneris of the ſamin to be puniſched according thereto. And that all Schireffes, Stewartes, Baillies, Lordes of Regalities, Proveſtes, Aldermen, and Baillies of Burrowes, and Judges ordinar quhat-ſumever, put the ſaidis Actes to execution, upon the contraveneris theirof. And to that effect grantis and gives to them power and commiſſion of Juſticiarie, every ane within the boundes of their awin liberties and juriſdictiones, and to uptake the eſcheittes of the contraveneris being convict, the twa part to the Kingis Majeſties uſe, and to make compt theirof zeirlie in his Hienes Checker, and the thrid part of the ſame to the ſaidis Judges executoures, for their travelles and laboures.

87. *For execution of the Act of Parliament, maid anent bearing, wearing, and ſchuitting of Culveringes and Dagges.*

FORSAMEIKIL, As be Act of Parliament, maid in the firſt zeir of our Soveraine Lordis Reigne, IT WAS Statute and ordained, that na maner of perſon nor perſones, of quhat-ſumever Eſtait, degree or condition, ſchuit with Culveringes, Dagges, Piſtolettes, or ony uther gunnes or ingines of fire-wark, in ony part of this Realme, nouther to Burgh nor to land, nor beare, weare, nor uſe, ony Culveringes, Dagges, Piſtolettes, or ony uther ſik ingine of fire-warke, upon their perſones, or in their companie with them, privatlie or openlie, out-with houſing, without licence of our Soveraine Lord, under the paine of cutting of their richt hand, and farther paines ſpecified in the ſaid Act of Parliament, as the ſamin at mair length proportis. Quhilk hes not bene put to dew execution in time by-gane, be reaſon of the troubles intervening: And therethrow, mony hes taken libertie to beare, weare, and uſe Culverings, Dagges, Piſtolettes, and uthers ingines of fire-wark, within Burrowes, and uther partes of this Realme, quhair throw, divers his hienes lieges hes bene ſchamefullie and cruellie murthered, ſlaine and hurt, in redding, & utherwayes, quhilkes war able enouch to have maid defenſe ſufficientlie for themſelves, at all times of perſute, & ſum part of the occaſion, quhy the ſaid Acte hes not tane execution, was be reaſon of the paine of death, or demembring, quhilk the ordinar Judges was laith to execute.

THEREFOIR Our Soveraine Lord, and the three Eſtaites foirſaidis, Ordainis the ſaid Act to be newlie publiſhed, and that na maner of perſon nor perſons beare, weare, uſe nor ſchuit Culverings, Dagges, or Piſtolettes, within Burrowes or without the ſame, in time cumming, utherwiſe nor the ſaid Act and exceptions thereof proportis, under the paine of ten pundes, money of this Realme, and the Gunne and armour they beare, to be payed be ilk perſon contravenand, and doand in the contrair, without prejudice of the uther paines, gif the Kings Majeſtie will have the ſame execute.

AND For execution theirof, makis and conſtitutis the Proveſtes, Aldermen and Baillies within Burgh, his Majeſties Juſtices in that pairt, everie an within their freedomes and juriſdictions, with power to them to ſearch, take and apprehend the offenders and contraveners, and put them to ane Aſſiſe, and being convict, to hald them in waird, quhill the paine foirſaid be payed, and to take ſicker ſovertie of the perſones convict, to for-beare, in time cumming, under the double of the ſaid paine. And the paines quhilkis beis uplifted, to be employed, to the ſupport of the pure. And this Act to ſerve for ſufficient commiſſion to the ſaidis Proveſtes, Alder-men, and Baillies of Burrowes, to the effect foirſaid.

88. *For puniſhment of Regraters and Fore-ſtallers.*

ITEM, Our Soveraine Lord, and the three Eſtaites of Parliament, hes ratified and approved, and be this Act, ratifies and approvis, all Actes and conſtitutions, maid be his hienes maiſt Noble Progenitours, in time by-gane, ſpeciallie the Actes maid be umquhile his hienes deareſt Gudſchir, King *James* the fifth, of worthie memorie: Anent Foirſtallers and regraters of victualles, fleſch, pultrie, and uthers vivers, cumand to Mercattes. And makis and conſtitutis, the Proveſts, Alder-men, and Baillies of all his hienneſſe Burrowes, his Majeſties Juſtices for execution of the ſaidis Actes, within the boundes of their awin freedomes and juriſdictions, and to up-take the paines conteined therein, to be applyed after the forme and tenour theirof.

89. *Anent the deſtruction of Cruves and Zaires, ſlauchter of reid fiſch and Smoltes, be wandes or utherwiſe.*

ITEM, Our Soveraine Lord, and the three Eſtaites of Parliament, conſidering the hurt, that hes cummin to the commoun weill of this Realme, and lieges theirof, be having and keeping of Cruves and zaires, ſlauchter of reid fiſche, in forbidden time, and Smoltes: And that divers actes and conſtitutions hes beene maid, be his Hienes maiſt Noble Progenitours, in time by-gane, toward the deſtruction and away taking of the ſaidis cruves and zaires, and eſchewing of ſlaying of reid fiſche and Smoltes. Quhilkes hes not received dew execution in time by-gane, bot hes bene neglected and overſeene.

THEREFORE Ordainis the ſaidis actes to be extended, and have effect and execution in time cumming, againſt the tranſgreſſours thereof, after the forme and tenour of the ſame: As alſwa againſt the ſlayers of the ſaidis reid fiſch, in forbidden time, be bleſis, caſting of wandes or utherwiſe: or that deſtroyes the Smoltes and frye of Salmound in mil-dammes, or be Polkes, Creilles, Trammel-nets, and Herrie-waters: And that the Landes-lord, and awners of the ſaidis Cruves and zaires, betuixt and the firſt day of March, nixt to-cum, put doun, and hald doun the ſaidis cruves and zaires, conforme to the ſaidis Actes, and under the paines conteined therein: And gif they failzie therein, the ſaid day being by-paſt, ordainis and commandis his Hienes Theſaurer, to perſew and up-take the ſaidis paines: And als ordainis the Schireffes, Stewardes, and Baillies in the Schires, and Lordes of Regalities, quhair the ſaidis cruves and zaires ar, and the Proveſtes and Baillies of the nixt Burrowes conjunctlie and ſeverallie, to paſs with convocation of his Majeſties lieges, to caſt doun and deſtroy the ſaidis cruves and zaires, and hald them doun, as they will anſwer to our Soveraine Lord, upon their obedience. And gif neede be, that letters be direct againſt them, to that effect, within ten dayis, under the paine of Rebellion, and gif they failzie, to put them to the horne. And this act to ſerve for ſufficient commiſſion to the ſaidis Schireffes, Stewardes, Baillies, Lordes of Regalities, Proveſtes, Alder-men, and Baillies of Burrowes, to the effect foirſaid: And that they nawaies ſall be called nor accuſed theirfoir, nor incur ony skaith or danger therethrow in time cumming: And commanding all our Soveraine Lordis lieges, to riſe, concur and aſſiſt to the ſaidis Schireffes, Stewardes, Baillies, and their deputes, Proveſtes, Aldermen, and Baillies of Burrowes, and their Officiars, in putting the ſaid Act to execution in all poynts, after the tenour theirof. And for puniſchement of the ſlayers of reid fiſche, in forbidden time, be bleſis, caſting of wandes, or utherwiſe: or deſtroyers of the Smoltes, and frye of ſalmound in Mil-dammes, or be Polkes, Creilles, Trammel-nettes, and Herrie-waters, that the Schireffes, Stewardes, Baillies, and Lordes of Regalities, within their awin juriſdictions, proceede as ordinar Juſtices, and uptak and execute the paines and eſcheittes, the twa pairt to the Kingis Majeſties uſe, and the thrid to themſelves, for their travelles. And quhair the offenders hes na geir worth the paines, to put and hald them in priſon, ſtokkes, or irones, for the ſpace of ane moneth, upon their awin expenſes, or gif they have it not, on bread and water.

90. *Anent the tranſporting of Coalles foorth of the Realme.*

ITEM, Our Soveraine Lord, and the three Eſtaites of Parliament, ratifies and apprevis the acte of Parliament, maid in the reigne of the Queene, his Hienes deareſt Mother, anent tranſporting of Coalles foorth of the Realme, and ordainis the ſame to be put to execution in all pointes, againſt the contraveneris theirof, after the forme and tenour of the ſamin, with this addition: That the reveiler and apprehender of the contraveners of the ſaid acte, and perſewers of them to be convict thereof, ſall have the thrid part of the eſcheittes of the contraveneris, for their travelles.

91. *For puniſchement of them that tynis the pley within Burgh, and propones frivoll exceptiones.*

ITEM, Our Soveraine Lord, and the three Eſtaites, underſtanding that divers and ſindrie his lieges, namelie within Burgh, ar becum ſa wilfull, obſtinat and malicious, that they will not be content to pay and ſatisfie their nichtbours and creditours, of ſik debtes as they aucht juſtlie to them, without calling, and compulſion of the Law, and extremitie thereof. THEREFORE, ſtatutis and ordainis, that the partie againſt quhom decreete beis given within Burgh, ſall pay to the ſupport of the pure, twelfe pennies of everie pound, effeirand to that quhilk beis recovered and obteined, befoir the Judge, and alſwa the expenſes of the partie obteiner of the decreete, at the modification of the ſaid Judge. And gif ony partie alledgis, producis, or givis in befoir the Judges, within Burgh, ony defence or exception, quhilk hes bene of befoir proponed, to the delay of his partie, the producer thereof, ſall pay the ſumme and paine of twentie ſchillings, to be imployed to the help of the pure, and that ſa oft as failzie beis made: And this to extend, alſweill to the Procuratour, as principal partie in time cumming.

92. *Anent the admiſſion of privie writinges, charges and commands be the Lordes of Seſſion.*

ANENT The ſupplication given to our Soveraine Lorde and the three Eſtaitis of Parliament, be the Chancellar, Preſident and remanent Senatoures of the Colledge of Juſtice, makand mention: That

quhair be the Inſtitution of the ſaid Colledge, they ar authorized to ſit, and decide upon all actions Civile, and nane uthers to have vote with them: And our ſaid Soveraine Lordis deareſt Gudſchir, King JAMES the Fifth of worthie memorie, inſtituter of the ſaid Colledge, promitted in the ſaid inſtitution theirof: That hee ſuld not, be ony privie writing, charge or command (at the inſtance of ony perſones) deſire them, to do utherwayes in ony matter that ſuld cum befoir them, bot as Juſtice required, or to do ony thing that maie break the ſtatutes, maid be their Predeceſſoures, the firſt Senatoures of the ſaidis Colledge, at his Hienes commaund, in doing of Juſtice. And that he wald give na credite to ony man that wald murmure the ſaidis Lordes, or ony of them, be doing of wrang and unhoneſtie, bot they ſuld be called befoir him, and gif they were foundin culpabil, to be puniſhed therefoir, after the qualitie of the fault or demerite: And gif they were foundin cleane and innocent, The perſones compleining to be puniſhed with all rigour, and never to have credite againe with his Hienes, as in the ſaid Inſtitution, ratified be Parliament, at mair length is contained. Nevertheles within thir fewe zeiris bypaſt, our Soveraine Lordis Authoritie and their Juriſdiction, is greatly troubled and called in doubt, be reaſon of ſindrie privie writings and charges direct againſt them, be our ſaid Soveraine Lord and his privie Councell, ſumtime to forbeare to proceede in Civile cauſes, befoir the intenting thereof, ſumtime to ſtay the proces, and remit the matter to the Parliament, quhilk ſendle haldis, and theirthrow divers parties are oftimes fruſtrate and delayed of Juſtice, and ſumtimes after the decreetes given, the execution theirof ſtopped, as ſindrie of the number of the ſaid Colledge, awayting on the ſaid Lordes of Artickles, can ſpecially declair. Quhilk as it tendis to their diſcrediting, ſwa it brings contempt to our Soveraine Lordis Authoritie, and caſtis the parties, havand their cauſes in proces (to quhom Juſtice ſuld alwayes be patent) in great doubt, quhen they finde not ane out-gait, to have their cauſes decided quhair they are intended. And the Kings Majeſtie, his Parliament, and privie Councell, ſall have little time and opportunitie, to conſidder his Hienes awin affaires, and the cauſes of the Commoun weill, gif that ar the in-opportune ſute of private parties, the civile cauſes ordourly belanging to the Judgement of the Colledge of Juſtice, ſall be brocht before them.

THEREFOIR, our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes declaired, decerned, and ordained, like as they be the tenour hereof decernis, declaris, and ordainis, the ſaidis Lordis of Councell and Seſſion, to proceede in all the ſaid Civile cauſes intented and depending befoir them, or to be intented, and to cauſe execute their decreetes, alreddie given, or to be given, notwithſtanding ony private writing, charge or command, at the inſtance of ony perſone or perſones, direct, or to be direct in the contrair.

93. *Anent the admiſſion of the ordinar Lordes of the Seſſion, and Reformation of certaine abuſes therein.*

FOR-ſameikle, as it is heavilie murmured be divers Lieges of this Realme; that our Soveraine Lord electis and chuſis zoung men, without gravitie, knawledge and experience, not havand ſufficient living of their awin, upon the Seſſion, and that ſum of them be themſelves, their wives, or ſervands, takis buddes, bribes, guddes and geir, ſwa that Juſtice in effect is coſt and ſauld. FOR remeid quhairof, the Kingis Majeſtie, with adviſe of the three Eſtaites of this preſent Parliament, ſtatutis and ordainis, That nane of the Lordes of Seſſion alreddie received, or to be received, nouther be themſelves, or be their wives, or ſervands, take in ony times cumming bud, bribe, gudes or geir, fra quhat-ſum-ever perſon or perſones preſently havand, or that hereafter ſall happen to have ony actions or cauſes perſewed before them, outher fra the perſewer or defender, under the paine of confiſcation of all their movabil guddis, that dois in the contrair, the ane halfe thereof to be applyed to our Soveraine Lord, and the uther halfe to the reveiler and tryer of the ſaidis Bud-takeris. And farther decernis and ordainis the ſaidis Bud-takeris, to be diſplaced and deprived *ſimpliciter* of their offices, quhilk they beare in the Colledge of Juſtice, and to be declared infamous, and als to be puniſhed in their perſones, at the Kingis Majeſties will. And ſik-like our ſaid Soveraine Lord, with adviſe foirſaid, hes declaired and declaris, that in all times cumming, quhen any ordinar place vakis in the Seſſion, that our ſaid Soveraine Lord, ſall preſent and nominate theirto ane man that fearis GOD, of gude literature, practick, judgement, and underſtanding of the Lawes, of gude fame, havand ſufficient living of his awin, and quha can make gude expedition and diſpatch of matters, tuitching the Lieges of this Realme, Quha ſall be firſt ſufficientlie tryed and examinate, be ane number of the ſaidis ordinar Lordes. And in caſe that perſone preſented be the Kingis Majeſtie, be not founde ſa qualified be them, as is befoir deſcrived, our Soveraine Lord, with adviſe of his ſaidis three Eſtaites, declairis, that it ſall be leaſum to the ſaidis Lordes to refuſe the perſone preſented to them, And the Kingis Majeſtie to preſent ane uther, ſa oft as he pleaſis, quhill the perſon preſented be founden qualified, for uſing of the ſaid place. And ſik-like our ſaid Soveraine Lord, with adviſe foirſaid, hes declaired and declairis, that the Preſident of the ſaid Colledge of Juſtice, ſall be choſen be the haill Senatoures theirof, of the conditions and qualities abone written, quhidder he be of the Spiritual or Temporal eſtaite. For chuſing and electing of quhome, the Kingis Hienes and Eſtaites foirſaidis, diſpenſis with that part of the firſt inſtitution of the Colledge of Juſtice, Beirand that the Preſident ſuld be of the Spiritual eſtaite, and ane Prelate conſtitute in dignitie. And alſwa declairis, that in abſence of the Chanceller and Preſident now being, and that ſall happin to be for the time, IT ſall be leaſum to the ſaidis Lordes, to elect and chuſe ony ane of their number, quhome they think qualified and woorthieſt,

as ſaid is, Quha ſall be called Vice-Preſident, for uſing of the ſaid office, calling of matters, repeating of alledgeances proponed be the Advocates at the Barre, collecting of the Lordes votes, and pronunciation of their decreetes and interloquutoures, ay and quhill the returning of the ſaidis Chanceller or Preſident.

94. *The tenour of Letters of horning and indorſationes may not be proven be Witneſſe.*

FORSAMEIKLE, As anent the complaint given in be Schir DAVID HUME of *Fiſthewik* Knicht, Beirand that there being ane Action and cauſe perſewed be him againſt Schir RICHARD MAITLAND of *Lethingtoun* Knicht, ane of the Lordes of Seſſion, for transferring of ane decreete of Non-entres, obteined be umquhile WILLIAM MAITLAND of *Lethingtoun* zounger his Sonne, in the ſaide Schir *David* as donatour theirto, be diſpoſition maid be our Soveraine Lord with adviſe of his umquhile deareſt Gudſchir *Matthew* Erle of *Lennox*, Lord *Dernely*, Regent for the time. In the quhilk cauſe, for delay of time, it was alledged bee the ſaid Schir *Richard*, that there aucht na tranſlation to paſſe, becauſe the ſaid umquhile *William* was denunced and put to the horne in our Soveraine Lordis deareſt Mothers time, for certaine cauſes, and that he had obteined ane further gift, granted be her, of the ſaid decreit, And for probation theirof ſtayed the ſaid Schir *Dævids* proces, be the ſpace of twa zeiris. And ſeand that be na delay of time, he culd cum be the ſaid horning (quhilk never was) he, be his ſupplicatioun to the ſaidis Lordes of Seſſioun, deſired the ſamin to be proven be witneſſes, havand nouther Law nor practick in ſik caſes. And it being ane noveltie, and tending to the heavie wrack, aſweill of the Nobilitie, as remanent ſubjectes of this Realme, in caſe the ſamin were received as ane practick, The ſaid Schir *Dævid* meened him to our Soveraine Lord, and Lordes of ſecreet Councell: And then the Lordes of Seſſion wer diſcharged of proceeding theirin, and the ſamin ordained to be diſcuſſed befoir our ſaid Soveraine Lord and Eſtaites of Parliament, like as the ſamin was continewed in the laſt Parliament halden at *Striviling*, unto this preſent Parliament. Deſiring theirfoir the Kingis Majeſtie and Eſtaites, to receive the ſaid matter, and diſcuſſing theirof befoir them, and put the ſamin to vote, for deciſion theirof, that it may remaine as ane Law to the haill ſubjectes in time cumming. Quhilk ſupplication being ſeene and conſiddered: OUR Soveraine Lord, with adviſe of the three Eſtaites of this preſent Parliament, hes declaired and declairis, that in all time cumming, na tenour of letteris of horning, executions and indorſations theirof, not extant and produced judiciallie, ſall be admitted to be proven be witneſſes, in quhat-ſum-ever action or cauſe, perſewed or to be perſewed be the Lieges of this Realme, befoir quhat-ſum-ever Judge or Judges within the ſamin. And that but prejudice of the foreſaid action, dependand betuixt the ſaidis parties, before the Lordes of Councell, and deciſion thereof, in ſtait as it was left befoir the diſcharging of them of farther proceeding there-intill. Providing that the witneſſes to be uſed and produced againſt the ſaid *David Hume*, in the ſaide cauſe, be examinat in preſence of the haill Lordes of Seſſion.

96. *Anent* Scotteſ-men *uſing the priviledges of this Nation in the Lawe-cuntries, under the King of* Spaynis *dominion.*

FORSAMEIKIL, as there is divers and ſindrie *Scotteſ-men* married and unmarried, within the partes of the *Lawe-cuntries*, under the King of *Spaynis* dominion, keipand their reſidence, quhair this Nation keipis their Stapil, and having their life, induſtrie, and trade of the Kingis Majeſties ſubjectes, as factoures to them, uſing and haunting the priviledges granted to the ſaid Nation, within the ſaidis partes of the *Lawe-cuntries*, ſa farre as the ſamin may make for them, their commoditie and profite, And at uthers times renuncceing the ſamin, and reclaiming theirfra, alledging to their Porterie, reſidence in any foreine Cuntrie, and forſaking the obedience to the Kingis Majeſtie his Lawes and Officiars. THEREFOIR It is ſtatute and ordained, that ane incorporation be maid of the ſaid Nation and priviledges theirof, (ſpeciallie ordaining that quhat-ſum-ever perſone reſident, or remaining within the partes foreſaidis, ſpeciallie quhair the ſaid Nation keipis Stapil) Intending to uſe factourie, or ony uther trade with the ſaid Nation, and willing to enjoy the fruite and commoditie of the ſaidis priviledges, in haill or in part, Sall give this aith of obedience to the Kings Majeſtie and his Lawes, befoir his Hienes Conſervatour reſident in the ſaidis *Lawe-cuntries*, and ſall pay for his entres to the Kingis Majeſties uſe ten pundes *Flemiſh*. As alſwa ſall be ready to underlie all ſik charges and commandements, as ſall happen to be direct and cum fra his Hienes, in the ſame forme and maner, as they were dwelland in *Scotland*. And quha refuſis to give the ſaid aith, and paye the ſaid entres, That they ſall be called be the ſaid Conſervatour, and upon their refuſe or delay, deprived to have or enjoy thereafter ony benefite of his Majeſties ſubjectes. And that nane of his Hienes ſubjectes have trade, traffique, or uſe of factourie with ony the perſones ſa deprived thereafter, under the ſame paine.

97. *For avoyding of the great number of unfree-men ſailland in the* Lawe-cuntries.

FOR avoyding of the great multitude of Sailleris to the partes of *Flanders*, to the diſhonour of the Cuntrie, their awin hurt and tinſell, and great hinderance to the Burrowes, and for reſtraining of unfree-men, that hauntis and frequents the ſaid partes in Merchandiſe in time cumming: IT IS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites in this preſent Parliament, That na unfree-men haunt

haunt or uſe the trafficque of Merchandice in time cumming, ſpeciallie in the *Lawe-cuntries* under the King of *Spaynis* dominion, under the paine of confiſcation of all their moveabil guddes doand in the contrair. And that the Conſervatour of the Priviledges of this Nation, ſearch and ſeeke the contraveneris, eſcheit their ſaidis guddes, the twa pairt to our Soveraine Lordis uſe, and the thrid pairt to his awin uſe for his laboures, and that he make compt, reckoning, and payment of his intromiſſion, to our Soveraine Lord and his Theſaurer anis every zeir.

98. *For inſtruction of the zouth in Muſick.*

FOR Inſtruction of the zouth in the arte of Muſick and ſinging, quhilk is like to fall in great decay, without timous remeid be provided. OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, requeiſts the Proveſtes, Baillies, Councell and communities of the maiſt ſpecial Burrowes of this Realme: and the Patrones and Proveſtes of the Colledges, quhair ſang Schooles ar founded, To erect and ſet up ane ſang School, with ane Maiſter ſufficient and abill for inſtruction of the zouth, in the ſaide ſcience of Muſick: As they will anſwer to his Hienes, upon the perrel of their Fundationes, And in performing of this his Hienes requeiſt, will do unto his Majeſtie acceptabil and gude pleaſure.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES, and uthers, made be KING JAMES the Sext, in this ſext Parliament 20. October. 1579. and not imprinted.

1 *COmmiſſion anent the Juriſdiction of the Kirk, the laſt pairt theirof.*
2 *Ratification of the Kingis revocation anent Fees and Penſiones.*
3 *Ane Act anent the Cunzie.*
4 *Ane Act in favoures of the Fewares and takkeſ-men of the Lands and Teindes of foir-falted Prelacies.*
5 *Anent the Kingis Councell.*
6 *Approbation of the proceedinges in the Kingis navne.*
7 *Act in favour of faithfull Subjectes.*
8 *Revocation of the infeftment of the Erledome of* Lennox *maid to the Lorde* Charles.
9 *Confirmation of the ſaid Erledome to* Robert *Erle of* Marche.
10 *Ratification of the diſcharge granted to the Erle of* Mar.
11 *Act anent the tennents of* Dumblane.
12 *Confirmation of the infeftment of the haven of* Kilrynnie *in* Fife, *to* Johne Betoun *of* Balfour.
13 *Act in favour of the Hoſpital in* Edinburgh.
14 *Confirmation of the infeftment of the Towne of* Faithlie.
15 *Act betuixt* Patrick Fortoun *and* James Hunter.
16 *Anent the making of* Aqua vitæ.
17 *Commiſſion to decide the antiquitie and prioritie amangis the Burrowes.*
18 *Act in favours of the Lord* Boyd.
19 *Ratification of the reformation of the Univerſitie of* Sanct-Andrewes.

FINIS.

THE

THE SEVENTH PARLIAMENT,

Halden and begun at Edinburgh, *the XXIV. daie of October, the zeir of God,* 1581. *zeires; Be* JAMES *the Sext, be the Grace of God, King of* SCOTTES, *and the three Eſtaites of this Realme.*

99. *The Ratification of the Libertie of the trew Kirk of* GOD *and Religion, with confirmation of the Lawes and Actes maid to that effect of befoir.*

OUR SOVERAINE LORD, with adviſe of his three Eſtaites and haill body of this preſent Parliament, hes ratified and appreived, and be the tenour heirof ratifies and appreivis, all and quhat-ſum-ever Actes of Parliament, Statutes and conſtitutiones paſt and maid of befoir, aggrieable to God his word, for maintenance of the libertie of the trewe Kirk of GOD and Religion, now preſently profeſſed within this Realme, and puritie theirof. And ſpeciallie the Act maid in the Reigne of the Queene his deareſt Mother, in the Parliament halden at *Edinburgh* the 19. day of April, the zeir of GOD 1567. Anent the caſſing, annulling, and abrogating of all Lawes, Acts and conſtitutiones, Canons Civile, and Municipal, with uther conſtitutions contrair the Religion now profeſſed within this Realm. And in likewiſe the Actes after following, maid in divers Parliamentes, halden ſen his Hienes Coronation. Namelie the Acts anent the aboliſching of the *Paipe* and his uſurped authoritie. Anent the annulling of the Actes of Parliament, maid againſt GOD his word, and maintenance of Idolatrie in ony time bypaſt. The Confeſſion of the Faith profeſſed be the Proteſtantes of *Scotland*, Anent the Meſſe aboliſched, and puniſching of all that hearis or ſayis the ſame. Anent the trew and haly Kirk, and of them that are declared not to be of the ſame. Anent the admiſſion of them that ſall be preſented to Benefices, havand cure of Miniſterie. Anent the Kingis Aith to be given at his Coronation. Anent them that ſuld beare publick Office hereafter. Anent thriddis of Benefices granted in the Moneth of December, the zeir of God, 1561. zeires, for ſuſteining of the Miniſterie, and utheris affairis of the Prince. Anent them that ſall be teachers of the zouth in Schooles. Anent the juriſdiction of the Kirk. Anent the diſpoſition of Proveſtries, Prebendries, and Chaplaneries to Burſares, to be founded in Colledges. Anent the filthie vice of Fornication, and puniſhment of the ſame. Anent them that committis Inceſt. Anent lawfull Mariage of the awin blude in degries, not forbidden be God his word. Ratification and approbation of the Actes and ſtatutes maid of befoir, anent the friedome and libertie of the trew Kirk of GOD. Anent the trew and halie Kirk. That the Adverſaries of Chriſts Evangel ſall not enjoy the Patrimonie of the Kirk. Anent the diſobedientes, quhilk ſall be received to our Soveraine Lordis mercie and pardon. The explanation of the Act maid anent Manſes and Glebes. Anent purcheſſing of the *Paipes* Bulles, or giftes of the Queene, our Soveraine Lordis Mother. Approbation of the Act maid anent the diſpoſition of Benefices to the Miniſters of Chriſtis Evangel. Anent the reparation of Paroche Kirkis. The ratification of the libertie of the trew Kirk of God and Religion. That the Glebes of the Miniſters and Readers ſall be frie of teyndes. Anent the trew and halie Kirk, and of them that are declaired not to be of the ſame. Anent the juriſdiction of the Kirk, diſchargeing of Mercattes, and labouring on the Sabboth-dayes, and playing or drinking in time of Sermone. Anent the zouth, and utheris bezond ſea ſuſpect to have declined from the trewe Religion. That houſhalderis have Bibles and Pſalme buikes. For puniſhment of ſtrang and idle Beggers. and releiſe of the pure and impotent. And declaris the ſaidis Actes, and everie ane of them and all utheris Actes of Parliament, maid in favours of the trew Religion, ſen the ſaid reformation, to have effect in all poyntes, after the forme and tenour theirof.

100. *Proviſion of Miniſters, and certaine ſtipendes for them at all Paroche Kirkes.*

ITEM, Becauſe for laik of Preaching and teaching in ſindrie parts of the Realme, monie people ar ſuſpected to be fallen in great ignorance and danger of godles Atheiſme. It being found maiſt difficil, that in the charge of pluralitie of Kirkes ony ane Miniſter may inſtruct monie flockes. Theirfoir it is thocht expedient, ſtatute and ordained be our Soveraine Lord, and his three Eſtaites of this preſent Parliament: That every Paroch Kirk, and ſameikil boundes as ſall be found to be a ſufficient and competent Parochin theirfoir, ſall have their awin Paſtour, with a ſufficient and reaſonabil ſtipend: according to the ſtait and habilitie of the place. And that all Kirkis annexed to Prelacies be provided of ſufficient Miniſters with competent livinges, aſweill laitlie diſponed ſen his Hienes acceptation of the government in his awin perſone, as that ſall vaik and be provided hereafter, quhill his Hienes perfite age. And befoir the title of ony Prelacie be conferred to ony perſon hereafter, that the ſaidis livings and ſtipends, be reſerved

in the proviſion, and alwayes compted in the thrid, to the effect that Miniſters may bee provided theirto *ad vitam.* And in-caſe ony gift or proviſion of Prelacie ſall paſſe utherwiſe, declairis the ſame to be null, and of nane availl, force, nor effect.

101. *Againis Dilapidationes of the Rentes of Beneſices, provided to Miniſters, in title for their life-times.*

ITEM, Becauſe ſindry Miniſters provided to benefices for their life-times without regaird of conſcience, or how their Succeſſours ſould life after them, for ſum preſent profite: Settis their ſaidis Benefices and Rentes theirof in Fewes, Takkes, Rentalls; or diſponis furth of the ſame, to the utter overthrow of the Kirk and great prejudice, baith of rhe Kingis Majeſtie, the common-welth and poſteritie to-cum. It is theirfoir thocht expedient, ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites, and haill Body of this preſent Parliament: That na perſones, being in the function of the Miniſterie, provided to titles of Benefices under Prelacies, diſpone penſiones, or mak uther diſpoſitiones of the Rentes of his Benefice, to the prejudice of his Succeſſour, and diminution of the Rental, quhairat hee findis it at his entrie theirto, under the paine of deprivation from the ſaid benefice, quhair-intill in caſe he failzie, his ſet and location to be decerned null, and himſelfe to be deprived, alſweill from his function in the Miniſterie, as from the benefice it ſelf, quhilk upon his default tryed and adjudged, as ſaid is, orderlie, ſall be declaired to be vaikand, and to be preſented and conferred of new, as gif he wer naturallie dead.

102. *That Miniſteris ſall be preſented be the Kingis Majeſtie, and the laick Patrones to all Beneſices of cure, under Prelacies.*

ITEM, It is ſtatute and ordained be our Soveraine Lord, with adviſe of this preſent Parliament, that all Benefices of cure under Prelacies, ſall be preſented be our Soveraine Lord, and the laick Patrones, in the favour of abill and qualified Miniſteris, apt and willing to enter in that function, and to diſcharge the dewtie theirof. And incaſe ony ſall happen to be given and diſponed utherwiſe heiraſter: Decernis and declaris the giftes and diſpoſitiones to be null, and of nane availl, force nor effect.

103. *For puniſchment of the Blaſphemy of Goddis Name, and utheris horribil Aithes.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſente Parliament, Ratifies and approvis the Actes of Parliamentes, halden at Edinburgh the firſt day of Februar, the zeir of God, 1551. zeires, Intitulat: *The Act againſt them that ſweiris abhominabil Aithes*, and ordainis the ſame to have effect and execution in time cumming, after the forme and tenour thereof, under the fourely and laſt paine ſpecified in the ſame. That is to ſay: for the firſt fault, every Prelate of Kirk, Erle, or Lord, foure ſchillings. Ane Barronne or beneficed Man conſtituted in Dignitie Eccleſiaſtical, twelve pennies. Ane Landed-man, Free-halder, Vaſſal, Fewer, Burges and ſmall beneficed Man, ſix pennies. Ane Craftef-man, Zea-man, or ſervand man four pennies. The pure folkes, that hes na geare, to be put in the ſtockes, jogges, or priſoned for the ſpace of foure houres. And wemen to be weyed and conſiddered, conforme to their bluide and eſtaite of their parties, that they are coupled with. For the ſecond fault, every Prelate, Erle or Lord aucht ſhillings. Every Barronne or Beneficed-man in dignitie, twa ſhillings. Every Landed-man, Free-halder, Vaſſal, Fewer, and ſmall Beneficed-man, twelve pennies. And every Craftef-man, Zeaman or ſervand, aucht pennies. The ſpace of the pure folkes impriſonment to be doubled. And for the thrid fault, the ſaidis ſecund paines to be doubled. And for the fourth and laſt fault, the offenders to be baniſhed or put in Waird, for the ſpace of zeir and day, at the Kingis will. And ſik-like all uther Eſtaites after their qualitie, to be puniſhed effeirandlie. And the foirſaidis paines to be uptaken and applied to the uſe of the pure folkes. And for the better execution heirof, that Cenſoures be appoynted, in the Mercat places of all Burrowes, and uther publick Faires, with power, to put the ſwearers of ſik abhominable Aithes in Waird, quhill they have payed the ſaidis paines, and find ſovertie, to abſteine in time cumming. And that be direction and commiſſion of the Schireffes, Stewardes, Baillies, Proveſtes, Alder-men, and Baillies of Burrowes, Lordes of Regalities, and uthers ordinar Officiares. And that all Houſe-halders delate to the Magiſtrates, the names of ſik perſones as tranſgreſſis this preſent Act, within their houſes, to the effect, that the ſaidis paines may be exacted of them, under the paine to be eſteemed as offendours themſelves, and puniſhed accordinglie. And in caſe the ſaidis Magiſtrates be found remiſſe or negligent in execution of this preſent Act, that upon complaint theirof to be maid to the Kingis Majeſtie, and his privie Councell, they ſall be called and committed to Waird, during his Hienes will, and find ſovertie under great paines, at his Hienes ſicht, for exact diligence to be ſchawen in executing of the ſaide Act thereafter.

104. *Againſt paſſing in Pilgrimage to Chapelles, Welles, and Croces, and the ſuperſtitious obſerving of divers uthers Papiſtical Rites.*

FORSAMEIKLE, As pairtlie for the want of Doctrine, and raritie of Miniſteris, & pairtlie throw the perverſe inclination of Mans ingine to ſuperſtition, the dregges of Idolatrie zit remaines in divers

pairtes

pairtes of the Realme, be uſing of Pilgrimages to ſome Chapelles, Welles, Croces, and ſik uther monuments of Idolatrie. As alſo be obſerving of the Feſtival dayes of the Sanctes, ſumtime named their Patrones, in ſetting furth of bane-fyers, ſinging of Carralles, within and about Kirkes, at certaine ſeaſons of the zeir, and obſerving of ſik uthers ſuperſtitious and Papiſtical Rites, to the diſhonour of GOD, contempt of his trew Religion, and foſtering of great errour amang the people. For remeid quhairof, IT IS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, That nane of his Hienes Lieges preſume or take upon hand in time cumming, to haunt, frequent, or uſe the ſaidis Pilgrimages, or uthers the foir-named ſuperſtitious and Papiſtical Rites, under the paines following, *videlicet*, Ilk Gentil-man or Woman Landed, or Wife of the Gentil-man landed, ane 100. pundes. The unlanded ane hundreth markes, and the Zeaman fourtie pundis, for the firſt fault. And for the ſecund fault, the offenders to ſuffer the paine of death, as Idolaters. And for the better execution heirof, Commandis, ordainis and gives power to all Schireffes, Stewartes, Baillies, Proveſtes, Aldermen, and Baillies of Burrowes, Lords of Regalities, their Stewartes and Baillies, and utheris, to quhome it ſall pleaſe our Soveraine Lord to grant ſpecial Commiſſion, to ſearche and ſeeke the perſones, paſſing in Pilgrimage to ony Kirkes, Chapelles, Welles, Croces, or ſik uther monuments of Idolatrie. As alſwa the ſuperſtitious obſerveris of the Feſtival dayes of the Sanctes, ſumtimes named their Patrones, quhair there is na publick Faires and Mercattes, ſetteris out of Bane-fyers, ſingers of Carrales, within and about Kirkes, and of ſik uthers ſuperſtitious and Papiſtical Rites. And apprehending them in the actual deede of the tranſgreſſion of this preſent Act, after ſpeedie judgment of their tranſgreſſion, to put and hald them in priſon and firmance, aye and quhill they redeeme their libertie, be payment of the paines abone written, and find caution to abſteine in time cumming, under the paine of doubling of the ſame paine. And gif the perſones apprehended be not able to redeeme their libertie, be payment of the ſaidis Pecunial paines, that then they keep the perſones tranſgreſſours, in priſone, irones, or ſtockes, upon Bread and water, for the ſpace of ane Moneth, after their apprehenſion, cauſand them, quhen they are ſet at libertie, outher find caution, or make Faith, to abſtaine thereafter. And in caſe they happen to paſſe furth of the Schire, quhair they offend un-apprehended, that the Schireffes and uther ordinar Judges of the next Schire, Burgh, or Juriſdictione, apprehend them, and proceede in like maner againſt them. Declairand the ane halfe of the pecunial paines to perteine to the ſaidis ordinar Judges, for their paines, and for ſuſteining of the Perſones to be keeped in Waird, irones, or ſtockes, and the uther halfe to be inbroucht, to the uſe of the pure of the Parochin.

105. *The Explanation of the Act, tuitching the notour and manifeſt committeris of Adulterie.*

ANENT The Supplication, maid to the Kingis Majeſtie, and his three Eſtaites of this preſent Parliament, craving ane explanation of the Act of Parliament, maid in the Reigne of the Queene, his Hienes deareſt Mother, Anent Adulterie. That is; Quhat ſall be eſteemed and judged in Law to be notour and manifeſt Adulterie, woorthie of the paine of death, mentionate in the ſaid Act. IT IS theirfoir declared be his Hienes, with adviſe of his three Eſtaites in this preſent Parliament: That it ſall be judged in Law notour and manifeſt Adulterie, woorthie of the ſaid paine of death, quhair there is bairnis, ane or maa, procreat betuixt the perſons Adulterers, or quhen they keepe company and bed togidder notoriouſlie knawen, or quhen they are ſuſpect of Adulterie, and thereby gives ſclander to the Kirk, quhair-upon, being dewlie admoniſched, to abſteine and ſatisfie the Kirk be Repentance, or purgation, and zit contemptnandlie refuſand, are excommunicate for their obſtinacie. All thir three degrees of Adulterers, and every ane of them, being lauchfully called and convict befoir the Juſtice and his Deputes, ſall incurre and ſuffer the ſaid paine of death.

106. *Againſt Fugitives and utheris Papiſts practizing againſt the trewe Religion.*

FORSAMEIKIL as certaine fugitives and utheris Perſones, OUR SOVERAINE LORDIS borne ſubjectes, now remaining furth of this Realme, Profeſſing themſelves the ſubjectes and ſervandes of uther Princes, upon diſdaine and malice borne be them, againſt the trewe and Chriſtian Religion, nowe publicklie preached, and be Lawe eſtabliſhed within this Realme; Ceaſſis not, ſa far as in them lyis, to pervert the zouth of this Nation, Paſſing furth of this Realme to the Schooles, and to viſit uther cuntries. And als makis, ſettis furth, ſends hame, and cauſis to be diſperſed in this Realme divers infamous Buikes, and Libelles, in the praiſe and defence of the *Paipe* and his uſurped Authoritie, damned be God his Word, and our Soveraine Lordis Lawes. As alſwa ſindrie of the ſame Perſones preſumes oft-times to repair in to this Realm themſelves, under colour to ſeeke the recoverie of their health, be the air of their native Cuntrie: Intending to ſeduce the ſimple and ignorant people, and uthers ony wayes affected to their ſuperſtitious and erroneous doctrine. For remeid quhairof, IT IS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites: That the Actes maid for puniſhment of his Hienes ſubjectes, adverſaries to the trew and Chriſtian Religion, and perſons ſuſpected, to have declined therefra, be put to dew execution in all pointes with this addition: That it ſall not be leiſum to ony of the ſaidis perſones his Hienes ſubjectes, or ſtrangers (not being Ambaſſadours, Meſſengers, or Merchantes) adverſaries

of the trewe Chriſtian Religion, or that hes declined therefra, to returne in this Realme, or remaine therein, except within the ſpace of fourtie daies, after the end of this preſent Parliament, they ſatisfie and obey his Hienes Lawes, anent the giving of their Confeſſion, and aſſenting and ſubſcribing to the Artickles of the ſaid trew and Chriſtian Religion. And in the meane time that nane of them repair in the Kingis Majeſties preſence, Palice, or dwelling place: or remaine longer nor three houres in ony pairt neere the ſame, within the ſpace of ſeven myles. And quha ever failzies herein, (their names being notified be the Biſchoppes, Super-intendents, or Miniſters of the Kingis houſe, to the ordinar Judges, quhair ever the ſaidis perſones repairis, or remainis) They ſall be taken, and halden in priſone be his Maiſter of Houſhald, or uther Judges ordinar, ay and quhill they have found ſufficient ſovertie, ilke perſon under the paine of five hundreth markes: That they ſall outher recant their erroures, and obey his Hienes Lawes, be profeſſing of the ſaid Chriſtian Religion, or depairt furth of this Realme, within the ſpace of fifteene daies theiraſter. And that alſwa in the meane ſeaſon, They ſall nouther teach, nor ſawe the ſaid *Paipis* erroneous doctrine, nor na uther erroneous doctrine, repugnant to the ſaid trew and Chriſtian Religion, now publicklie preached, and be Lawe eſtabliſched in this Realme, to nane of the ſubjectes theirof, outher be wordes or writte, under the ſaid paine. And that all his Hienes ſubjectes, that hes, or ſall make, ſet furth, bring hame, ſell, or diſperſe, within this Realme, ony of the ſaidis infamous Buikes and Libelles, in the praiſe and defence of the ſaid *Paipe*, and his uſurped authoritie, or uther erroneous doctrine, to the contempt of our Soveraine Lord and trew Religion, preſentlie profeſſed within this Realme, being called and dewlie convict theirof, according to the Lawes of the ſame, ſall incurre the paine of baniſhment, and confiſcation of all their gudes moveable to OUR SOVERAINE LORDIS uſe. And becauſe ſindrie perſones diſobeyeris of his Hienes Authoritie, for not giving the Confeſſion of their Faith, conforme to the Acts of Parliaments, hes theirthrow tint their Benefices, *ipſo facto*: The ſame being lauchfullie and dewlie provided be OUR SOVERAINE LORDIS preſentation and admiſſion of the Kirk, to perſones ſerving in the Miniſterie, and the fruits theirof aſſigned to them, for their zeirly livings and ſtipendes. Nevertheles, in ſeeking letters to be anſwered, and obeyed of the ſaidis fruites, they are oftimes hindered throw licences purchaſed of OUR SOVERAINE LORD to the ſaidis perſones, departing and remaining furth of the Realme for divers zeires, without skaith or danger to be incurred be them in their perſones, livings, gudes and geare. In reſpect of the quhilkis licences, the Judges, befoir quhome they are produced, ſtayis and ceaſſis further proceeding in the ſaidis cauſes, to the great hurt and prejudice of the Act of his Hienes Parliament, Intitulat: *That the adverſaries of Chriſts Religion ſall not enjoy the Patrimonie of the Kirk.* For remeid quhairof, IT IS ſtatute and ordained be OUR SOVERAINE LORD, and the three Eſtaites of this preſent Parliament, That all ſik licences purchaſed of his Hienes, ſall have na effect, ſtrength nor force, annullard and diſchairgeand the ſame be thir preſentes, in ſa farre as they may ony wayes tend to the prejudice and hinder of the execution of the ſaidis Actes of Parliament, or to the titles and proviſiones of Benefices, and uthers Eccleſiaſtical rentes, maid and granted be vertewe theirof, Commanding the ſaidis Judges, befoir quhome the ſaidis Actiones are, or ſall happen to be intended or dependis, to proceede and do Juſtice therein with expedition, notwithſtanding the ſaidis licences or abſence of the Perſones, in quhais favour the ſame are, or ſall happen to be granted, quhilkis licences ſall be eſteemed but as privie writinges, without ane ſufficient Teſtimonial, inſtantlie ſchawen, that the perſone, to quhome the Licence is granted, profeſſis the trew Religion, and hes already ſatisfied his Majeſties Lawes, maid to that effect.

106. *Anent the Cuinzie.*

THE Kingis Majeſtie, and his three Eſtaites, conſiddering how hurtfull and prejudicial the lait Silver Cuinzie (having courſe upon ſa heich price) is, and hes bene to the Common weill of this Realme, the ſame being occaſion of great dearth, and of many uther inconvenientes. And now willing to have the ſame reduced to ane lawer price, without loſſe of his Hienes ſubjects, or zit to the Parteneris and Takkeſ-men underwritten, quhilk they find can not be done, gif the Contract, maid anent the ſame Cuinzie, be ſuffered to have further effect and execution. THEREFOIR his Majeſtie, with adviſe of the ſaidis Eſtaites, and of the ſaidis Takkeſ-men and Parteners, They are to ſay: *Alexander Clerk* of *Balbirny* Proveſt of *Edinburgh*, *Williame Naper* of *Wrichteſ-houſis*, *Nichol Udward*, *Henrie Nisbet*, *Richard Abircrummy*, *Robert Abircrummy*, and *Thomas Acheſon*, upon conſideration had be the order following, that they ſall be na loiſſers: Decernis and declaris be Act of this preſent Parliament, the ſaid contract to be null and of nane availl, force, nor effect in all time cumming: And ordainis the ſaidis Takkeſmen, Parteneris, Cuinzeours, and uthers Officiars, to deſiſt and ceaſe from all ſtriking and cuinzeing of ony further of the ſaid Cuinzie, in ony time hereafter. And declaris be the ſaid Act, that the ſaidis Takkeſ-men and Parteneris, and all uthers at their command, hes done nathing in the ſaid mater of the lait Cuinzie, preceeding the dait heirof, Bot according to the will and minde of his Majeſtie, and his ſaidis Eſtaites, quhilk they ratifie and appreive, in ſa farre as they have done, conforme to the ſaid contract, ay ſtandand in effect quhill now, exonerand them theirof for now and ever: They being alwaies comptable and anſwerable, for ony thing done be them in the ſaid Cuinzie, contrarious to the effect and meaning,

meaning of the ſame contract, conforme to the tenour theirof. Attoure, his Majeſtie be the ſame Act, with adviſe of the ſaidis Eſtaites, revokis, caſſis and annullis for ever, all aſſignations, for payment of ſummes of money, maid be his Hienes, upon the ſaidis Takkeſ-men and Parteneris, to ony perſone or perſones. And diſchargis the Lordes of ſecreete Councell and Seſſion, to direct ony letters, or chairges upon, or againſt them, or ony ane of them. And gif they do, declaris the ſame be thir preſents to be of nane availl, force nor effect, Notwithſtanding ony Decreetes given, or to be given, quhilk his Majeſtie with adviſe of the ſaidis Eſtaites diſchargis *ſimpliciter*. Ordaining them to have na further force, effect, nor execution in time cumming. And further, his Majeſtie, with adviſe of the ſaidis Eſtaites, & conſent alſwa of the ſaidis Takkeſ-men and Parteneris, ſtatutis and ordainis, That the ſaid lait Cuinzie, extending to twa hundreth elleven ſtane and ten pund weicht of Silver, ſall be reduced and brocht in againe be them, to be cuinzeit of new, be his Hienes Maiſter Cuinzeour, betuixt and the ellevinth day of March nixt-to-cum, in ten ſhilling peeces of elleven pennie fine, conteinand four in the unce in this forme, That is to ſay; havand on the ane ſide the Portrature of his Majeſties bodie, armed with ane Crown upon his head, and ane ſword in his hand, with this circumſcription: JACOBUS VI. DEI GRATIA, REX SCOTORUM. And on the uther ſide, his Hienes Armes in ane Scheild, with ane Crown abone the ſame Scheild, with the Dait of the Zeir, upon ane of the ſides, with this circumſcription: HONOR REGIS JUDICIUM DILIGIT. For in-bringing and reduction of quhilk money, the ſaidis Takkeſ-men and Parteners hes preſentlie nominated and appointed *William Naper*, and *Thomas Acheſon*, quhilkis ſall remaine at *Edinburgh*, to receive all the ſaid Cuinzie, be the number and quantitie foreſaid, fra his Hienes ſubjects, and deliver them uther money theirfoir, upon the ſame prices, that they were given out for, betwixt and the ſaid ellevinth day of Marche, unto the quhilk day they ſall have courſe allanerlie. And being reſerved, ſall bring and deliver them to his Hienes Maiſter Cuinzeour, quha ſall Cuinzie them of new, in forme and maner abone mentionat, and thereafter deliver baith ſtocke and profite againe, in full recompenſe of their expenſes, charges and travelles els ſuſtened be the ſaid Cuinzie, to ſik as ſall be appointed in their Names to receive the ſame. And the Maiſter Cuinzeour preſent and to cum, ſall find the ſaidis Takkeſ-men and parteneris ſufficient Caution and ſovertie, acted in the buikes of Councell, for randering unto them the ſtock and profite of ſik Summes and Weicht, as they ſall deliver unto him to the effect foreſaid, unto the quhilk time the ſaidis Takkeſ-men and parteneris ſall not be aſtricted to deliver ony ſilver to the ſaide Maiſter Cuinzeour, deduceand alwayis the fees and dewties of the Warke-men and utheris ordinar Officiaris of the Cuinzie-hous uſed and wount, for their paines and laboures. And becauſe the ſaid Reduction cannot weill take effect, without ſum ſtock to mak the exchange. The ſaidis Takkeſ-men and parteneris theirfoir ſall have libertie, lyke as his Majeſtie, with adviſe of the ſaidis Eſtaites, be thir preſentis grantis them licence and libertie, to ſtrike, and cauſe to be ſtricken and cuinzeit twentie ſtane wecht of Silver, mair nor is ellis cuinzeit, in the Money new deviſed, quhilk ſall bee delivered to them againe, after the ſame be paſt the Irones, in maner foreſaid, without deduction of onie profite, or uther dewtie therefore, except the Fees and dewties of the ſaidis Wark-men and Officiares uſed and wount. Attour OUR SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites, gives and grantis full freedome, licence & libertie to his Hienes Maiſter Cuinzeour, to breake downe the preſent current money within this Realme, of ellevin pennie fine, ſpecially the thirtie, twentie and ten ſchilling peeces and Teſtones, and to Cuinzie the ſame in the ſaid new money, deviſed at 40. ſchillings the unce, of ellevin pennie fyne. Makand his Hienes dew compt and reakoning of the profite thereof, as apperteinis. For the quhilk the ſaid Maiſter Cuinzeour, nor utheris the Officiares of his Hienes Cuinzie-hous, ſall incurre na skaith nor danger in their Perſones, Lands, or Guddes. Notwithſtanding onie Actes, Lawes, or conſtitutions maid in the contrair, Anent the quhilkes his Hienes, with adviſe of his ſaidis Eſtaites, diſpenſis.

107. *The Cuſtomer and Clerk of cocquet ſuld tak Caution for in-bringing of Bulzeon.*

OUR Soveraine Lord, with adviſe of his three Eſtaites, and haill body of this preſent Parliament, Ratifies and approvis the Actes maid be his maiſt Nobill Progenitours, Anent the in-bringing of Bulzeon, with this addition, that every Cuſtomer and Clerk of cocquet in time cumming, ſall tak ſik ſuirty or pledges as he will anſwer for. That Bulzeon *equivalent* to the gudes tranſported, ſall be delivered to the Maiſter of our Soveraine Lords Cuinzie-hous, betuixt and the nixt Checker thereafter following, and at the hearing of the Cuſtomers compts, that he be comptrolled upon the quantity of the Bulzeon, delivered into the Cuinzie-hous, according to the letters of receipt of the Maiſter Cuinzeour, and quhat reſts abone, that the ſaid Cuſtomer be anſwerabill therefore. Providing, that in caſe ony of the gudes Cuſtumat happins to periſh be chance, or to be taken away *per majorem vim*, The Lordes Auditoures of the Checker, being certified and perſwaded of the trueth thereof, ſall grant defalcation of the quantitie of the Bulzeon at their diſcretion. And for every unce delivered to the Maiſter Cuinzeour of utter fyne Silver, he ſall pay to the Merchand fourtie ſchillingis, and mak compt of the profite theirof in Cuinzeit money to our Soveraine Lordes uſe.

108. *Ane Tabill or Roll ſuld be delivered to the Cuſtomer of all cuſtumable guddis.*

FORSAMEIKIL, As our Soveraine Lords Cuſtumes, ar ane of the partes of the Patrimonie of his Crown, And ſindrie gude and profitabill Actes hes bene maid, namely againſt them havand guddes out of the Realme un-cuſtumat, and how the cuſtume ſall remaine with the King for his living, Quhilkis Actes and all utheris Actes maid toward his Majeſties Cuſtumes foreſaidis. His Hienes with adviſe of his three Eſtaites ratifies and apprevis, and ordainis the ſame, to have full effect and execution in time cumming with this addition: That ane Table be delivered to all Cuſtomers, for uptaking and inbringing of our Soveraine Lordes Cuſtomes, ordaining that every Sack of Wooll, ſall conteine bot twenty four ſtanes, every hundreth Skinnes ſex ſcore, and everie douzaine of Claith twelf elnis allanerlie.

109. *For the ſuretie of them that aſſeiged houſes be the Kingis commiſſion, in his Hienes Minoritie.*

ANENT The Supplication given in to our Soveraine Lord, and Lordes of Artickles of this preſent Parliament, be the Nobil-men, and utheris his trew and Faithfull Subjects, that ſerved in the defence of his Hienes Authoritie and Crown, during the late Civill troubles within this Realme, in the time of his Majeſties zoung age, Makand mention: That quhair they being oftimes employed be his umquhile Regentes for the time, in the execution of divers commiſſiones againis ſindrie of his Hienes unnaturall Subjectes, Rebelles, and withſtanders of his Authoritie, quha at that time aſſiſted and tuke plane pairt with the declared Traitoures, Rebelles and enimies of his Majeſties Crown, with power alſwa to aſſeige Houſes, and raiſe fire for the better repreſſing of them. The ſaidis Noble-men and utheris his Majeſties trew and Faithfull ſubjectes, for diſchargeing of their dewtie, in execution of the ſaidis commiſſiones with their friendes, aſſiſters, and ſervandes ſearched and ſocht the ſaidis Rebelles and diſobedient Subjectes, quha placeing themſelfis in Houſes, in ſindrie pairts of this Realme, and keiping and fortifying the ſame againſt his Majeſtie and his Authoritie, they wer forced to raiſe fyre, and uſe all uther meanes of hoſtilitie for recoverie of the ſame. Quhairfore his Majeſtie, with adviſe of his three Eſtaites of this preſent Parliament, Decernis and declaris, That all things done be the ſaidis Noble-men, and uthers his Hienes faithfull ſubjectes, within the time of the ſaidis Civile troubles, for execution of the ſaidis Commiſſiones, againſt quhat-ſumever perſones, his Hienes Rebelles, Traitoures and diſobedient ſubjectes, for the time, their ſervandes, friendes, aſſiſteris and partakeris; wes lauchfully, weill, and dewtifullie done be them. And that there-intill they have committed na crime nor offenſe, bot obeyed his Hienes and his Regentes commandements. Exonerand and diſchairgeand them of all Action, crime and offenſe, that ony pairtie may perſew or move againſt them theiranent, at ony time hereafter.

110. *Againſt the ſchamefull oppreſſion of ſlaying and houching of Oxen, Horſes, and uther Cattell.*

FORSAMEIKLE, as be the lovabill Lawes and Actes of Parliament maid of before, ſik ſpeciall reſpect is had to the labouring of the ground in dew ſeaſon, as the Oxen & Cattell occupied in the Pleuch, are forbidden to be poynded for ony maner of debt, during the time of the Tilth. Zit ſindrie wicked perſones, mooved in deſpite againſt their Nichtboures, ceaſſes not commonlie in their private revenge, to houch and ſlay Oxen and Horſes in the Pleuch, Byre, and utherwayes, And to hound out bair-men and vagabounds, to the attempting of ſik foull and ſchamefull enormities, ſa farre prejudiciall to the Commounweill, and againſt all gude example. For ſtancheing quhairof in time cumming, and to the terrour alſweill of the committeris of ſik foull and ſchamefull oppreſſiones, as of the cauſeris, fortifieris, and receipteris of the committeris thereof: IT IS Statute and ordained be OUR SOVERAINE LORD, with adviſe of the three Eſtaites of this preſent Parliament: That all ſik ſlayeris and houcheris of Horſes and Oxen, or uther Cattel in time cumming, ſall be eſteemed and puniſched as thieves. And all perſones that ſall happen to receive, ſupplie, and maintaine the Authoures of ſik oppreſſion in companie or houſhald, after the committing thereof, ſall be eſteemed and puniſched as receipteris and maintaineris of thieves, And baith the committeris of the ſaid unwoorthie and ſchamefull oppreſſion, and the receipteris, ſupplieris and maintaineris of them, being dewlie called and convict thereof, to incurre the paine of death, and confiſcation of all their guddes moovabill.

111. *For Execution of the Acts maid anent caſting downe, and halding downe of Cruves and Zaires, and puniſchment of the Tranſgreſſoures theirof, ſlauchter of reid Fiſche, and of the fry of all Fiſche.*

OUR SOVERAINE LORD, and the three Eſtaites of this preſent Parliament, Ratifies and apprevis all Actes maid be his Hienes, and his maiſt Noble Progenitoures, Anent the deſtruction of Cruves and Zaires, ſlauchter of reid Fiſche, Smoltes, and frye of all Fiſches. And ordainis the ſamin to have effect and execution in time cumming. And becauſe it is underſtand to his Hienes, and his ſaidis three Eſtaites, that albeit paines and travelles wes tane, to caſt downe and deſtroye the ſaidis Cruves, and Zaires:

zit

zit in default of the execution of the paines conteined in the ſaidis Actes upon the contraveners thereof, the ſaidis Cruves and Zaires are not halden downe, nor ony uther thing in effect, (appointed to be done be the ſaidis Acts) put in execution, throw the default and negligence of the ordinar Officiares, to quhome the execution thereof wes committed.

THEREFOIR, Our Soveraine Lord, with adviſe of his ſaidis three Eſtaites, hes maid, conſtitute and ordained, and be the tenour of this preſent Act, makis, conſtitutis and ordainis the perſones after ſpecified, within the bounds particularlie followand, his Hienes Juſtices in that pairt, to the effect underwritten. They are to ſay: *George* Earle of *Caithnes*, for the boundes of *Caithnes* and *Strathnaver*. *Alexander* Earle of *Southerland*, for the boundes of *Southerland*, and all Rivers therein. The ſaid Earle of *Southerland*, *George Roſs* appeirand of *Balnagowne*, and *Robert Monro* of *Fowlles* conjunctlie and ſeverallie for the water of *Killoſochell*. The ſaid *Robert Monro* of *Fowlles*, Baillie and Chamberlaine of *Roſs*, for the water of *Conan*. *James* Earle of *Arran*, and his Deputes for the water of *Ferrar*. The Schireffe of *Innernes*, and his Deputes, and the Proveſt and Baillies of *Innernes*, for the water of *Neſſe*. The Schireffe of *Narne*, and his Deputes, and the Proveſt and Baillies of *Narne*, for the water of *Narne*. The Schireſſe of *Elgyne* and *Foreſs*, and his Deputes, and the Baillies of the Earledome of *Murray*, and of the Abbay of *Kinlos*, and Priory of *Pluſcarden*, and the Proveſts and Baillies of the Burrowes of *Elgyne* and *Foreſs*, for the waters of *Spey*, *Findorne* and *Loſſey*. The Schireffe of *Bamff* and his Deputes, and the Proveſt and Baillies of the Burgh of *Bamff*, for the water of *Doverne*. The Laird of *Eſſilmont* for the water of *Ythane*. The Earle of *Marſchell* for the water of *Ugy*. The Schireffe of *Abirdene* and his Deputes, and the Proveſt and Baillies of *Abirdene* for the waters of *Dee* and *Don*. The Schireffe of *Kinkardin* and his Deputes for the waters of *Cowy* and *Berwy*. The Earle of *Mont-roſe*, and the Proveſt and Baillies of *Mont-roſe* for the waters of *North-Eſk* and *South-Eſk*. The Schireſſes of *Perth* and *Forfare*, Stewart of *Stratherne*, & their Deputes, and Proveſtes and Baillies of *Perth* and *Dundie* for the waters of *Tay* and *Erne* and their graines. The Schireffe of *Fife*, and his Deputes, for the South-ſyde of *Tay*, lyand within the Schireſdome of *Fife*, and for the water of *Levin*. The Proveſt and Baillies of *Cowper*, for the water of *Eden*. The Stewart of *Menteith* and his Deputes, for the heades of the waters of *Teith* and *Forth*. The Schireffe of *Striviling* and his Deputes, and the Proveſt and Baillies of *Striviling*, for the remanent of the waters of *Forth*, *Teith*, *Gudie*, *Carron*, *Allon* and *Dovane*, and their graines. The Schireffe of *Liulithcow* and his Deputes, and the Proveſt and Baillies of *Linlithcow* for the water of *Avane* and South-ſyde of *Forth*, within the bounds of that Schireſdome. The Schireffe of *Edinburgh* principall, and his Deputes, and the Proveſt and Baillies of *Edinburgh* for the waters of *Ammond*, *Leith*, *North* and *South-Eſk*. The Schireffe of *Edinburgh* within the Conſtabularie of *Hadingtoun* and his Deputes, and the Proveſt and Baillies of *Hadingtoun*, for the waters of *Tyne* and *Beill*. The Schireffe of *Dumfreis* and his Deputes, The Earle of *Mortoun*, Wardane of the Weſt Marches, and his Deputes, and the Proveſt and Baillies of *Dumfreis*, *Kirkcudbricht* & *Annand*, for the waters of *Annand*, *Nyth*, *Dee*, *Cree* and *Luce*. The Baillie of *Carrict* and his Deputes for the waters of *Stinchell*, and *Girvane*. The Schireffe of *Air* and his Deputes, and the Proveſt and Baillies of *Air*, for the waters of *Dune* and *Air*. The Baillie of *Cunninghame* and his Deputes, and the Proveſt and Baillies of *Irwing*, for the waters of *Irwing* and *Garnok*. The Schireſſes of *Lanark*, *Renfrew*, and their Deputes, and the Proveſt and Baillies of *Glaſgow*, *Renfrew*, and *Lanark*, for the water of *Clyde* and graines thereof. The Schireffe of *Dumbertane* and his Deputes, and Baillies of the Burgh of *Dumbertane*, for the waters of *Levin* and *Ainrik*. The Schireffe of *Argyle* and *Tarbart*, and his Deputes, for the boundes of the ſaid Schireſdome, and *Lorne*, to the March of the Schireſdome of *Innernes*, and the ſaid Schireffe of *Innernes*, and his Deputes, for all the boundes of the ſaid Schireſdome on the *North-weſt coaſt*, fra the Marche of the Schireſdome of *Argyle* to *Strathnaver*. GIVAND, grantand, and committand to the ſaidis Juſtices in that pairt, conjunctlie and ſeverallie, within the bounds patticularlie abone written, full power, ſpeciall command, expreſſe bidding and chairge: To inquire, and take up dittay of all perſones, contraveners of the ſaidis Actes of Parliament, within the boundes particularlie abone written, Alſweill the principall offenders, as their Maiſters, Landis-lordes, and receipteris, And to call them to underlie the Law thereſoir, in the Tolbuith of the head Burgh of every Schire, or uther place convenient, at the diſcretion of the ſaidis Juſtices, and put them to the knawledge of ane Aſſiſe: And as they be foundin culpable or innocent, to Miniſter Juſtice upon them, conforme to the Lawes of this Realme. The paines conteined in the ſaidis Actes, to raiſe and upliſt, and of the ſamin, to make compt, reckoning and payment to our Soveraine Lord, and his Hienes Theſaurer in his Checker. And to the effect, that the execution of the ſaidis Actes ſall not be neglected, as in times by-paſt: Ordainis twa ordinar Juſtice Courtes to be halden zeirlie. The ane the firſt day of *Februar*, and the uther at the firſt day of *Auguſt*, or the nixt lauchfull dayes thereafter following, beſide uther Courtes to be halden at uther dayes, quhen occaſion ſervis, at the diſcretion of the ſaidis Juſtices. And in caſe the ſaidis Juſtices, or ony of them failzie in doing of their exact diligence, for execution of this preſent commiſſion, at twa times every zeir, as ſaid is, being called and convict thereof be OUR SOVERAINE LORDIS Juſtice principall or his deputes, at the inſtance of his Hienes Advocate, Every ane of them ſall incurre the paine of twa hundreth pundes, to be uplifted of them be his Hienes Theſaurer, to his Majeſties uſe. Be it alwayes underſtand, that this preſent Act, nor nathing therein conteined, ſall be prejudiciall to his Hienes Subjectes, being dewlie infeſt and in poſſeſſion of halding of Cruves, Lines, or loupes within freſch waters, Bot that they may uſe, joiſe, bruik and occupie

occupie the ſame in time cumming, according to their richtes, keepand the Setterdayes ſlop, and ſik diſtance betwixt every Heck, as the Actes of Parliament appoyntis. And in caſe they failzie therein, to be accuſabill, and ſuffer puniſhment, as the remanent tranſgreſſoures of the ſaidis Actes.

112. *Execution may be againſt ony thieft and reiſe, committed be ony uther of the ſamin Clanne.*

OUR SOVERAINE LORD, And his three Eſtaites, in this preſent Parliament, having conſiddered the mony grievous oppreſſiones and cruelties, quhair-unto his peaceabill and gude ſubjectes ar ſubject, findis nathing mair intollerabill, nor the deadly feedes, borne be the Clannes of thieves, broken men, and Sorneris upon trew men, for the ſlauchter, taking, hurting of the ſaidis thieves, broken men, and Sorneris, taking and bringing them to Juſtice, or in the defence and ridding of the trew mennis guddes, ſtollen and reft fra them. And how the ſaidis Clannes of thieves, for the maiſt pairt ar companies of wicked men, coupled in fellowſchippes be occaſion of their ſur-names, or neir dwellings togidder, or throw keiping ſocietie in thieft, or receipt of thieft, not ſubjected to the ordinar courſe of Juſtice, nor to ony ane Landis-lord, that will mak them anſwerabill to the Lawes, bot commounlie dwelland on ſindrie mennes landes, againſt the gude-will of their Landis-lordes, quhairthrow trew Men oppreſſed be them, can have na remeid at the handes of their Maiſters, bot for their defence, ar oft-tentimes conſtrained to ſeeke redres of their ſkaithes of the haill Clanneor ſik of them as they happen to apprehend, like as the haill Clanne, commounlie bearis feed, for the hurt received be onie member thereof, quhidder be execution of Lawes, be ordour of Juſtice, or uther wiſe.

IT IS therefore declared, ſtatute and ordained, be OUR SOVERAINE LORD, with adviſe of his three Eſtaites, and haill body of this preſent Parliament: That it ſall be leſum to all his obedient and gude ſubjectes, that ſall receive onie harme or ſkaith, throw ſtouth or maiſterfull reif of their guddes, to be committed after the dait hereof, be onie of the ſaidis notorious thieves, broken men, or Sorneris of the ſaidis Clannes of thieves, in time cumming, To apprehend, ſlay, and arreiſt, the bodies and guddes of the perſones, offending againſt them or onie uthers, being of the ſame Clanne, their ſervandes, dependers, or partakers, quhairever they ſall finde them, in onie partes of this Realme, ay and quhill the principalles, or uthers of the ſaid Clan, cauſe the ſaidis harmes and ſkaithes be redreſſed, to the ſatisfaction of the ſuſteiners thereof; or at leaſt, finde ſufficient ſovertie to that effect, to the contentment of the perſon that hes ſuſteined the ſkaith, in-caſe it ſall be found be order and tryall, according to Juſtice, that the offender and deed-doer wes onie wayes receipt, ſupplied, and mainteined amanges the ſaid Clan, after the offence committed.

113. *Againſt the exceſſe of coaſtelie Cleithing, And tranſporting of Wooll, quhairby the pure may be the better halden in Warke.*

THE Kingis Majeſtie, and Eſtaites of this preſent Parliament, Conſidering the great abuſe, ſtanding amang his Subjectes of the meane Eſtaite, preſuming to counterfaict his Hienes and his Nobilitie, in the uſe and wearing of coaſtelie Cleithing of Silkes of all ſortes, Layne, Cammeraige, Freinzies, and Paſmentes of Gold, Silver and Silk, and Wollen Claith, maid and brocht from uther foreyne Cuntries, quhairthrow the prices of the ſame is growen to ſik exorbitant dearth, as it is not abill to be langer ſuſteined without the great ſkaith and inconvenient of the commoun weill, howbeit God hes granted to this Realme ſufficient commodities for cleithing of the inhabitantes thereof within the ſelfe, gif the peopell wer verteouſlie employed in woorking of the ſame at hame, quhairby great numbers of pure folkes, now wandering in begging, micht be releived, alſweill to the honeſty, as wealth of the Cuntrie. For remeid quhairof, It is ſtatute and ordained bee our Soveraine Lord, with adviſe of his Eſtaites and haill body of this preſent Parliament: That nane of his Hienes Subjectes, Man or Woman, being under the degrees of Dukes, Earles, Lordes of Parliament, Knichtes, or landed Gentil-men, that hes or may ſpend of frie zeirlie Rent, twa thouſand markes, or fifty Chalders of Victuall at leaſt, or their Wives, Sonnes or Douchteris, ſall after the firſt day of May nixt-to-cum, uſe or weare in their Cleithing, or apparell, or lyning thereof, onie Claith of Gold, or Silver, Velvot, Satine, Damask, Taffataes, or ony begairies, Frenzies, Paſments, or broderie of Gold, Silver, or Silk: nor zit Layne, Cammerage, or Wollen Claith, maid and brocht from onie foreine Cuntries, under the paine of ane hundreth pundes of every Gentil-man landed, ane hundreth markes of every Gentil-man unlanded, and fourtie pundes of ilk Zea-man, for every day that hee, his Wife, Sonne or Douchter tranſgreſſis this preſent Act. The ane halfe to the uſe of OUR SOVERAINE LORD, or Lord of the Regalitie, within quhais boundes the tranſgreſſoures are apprehended: and the uther halfe to the Schireffes, Stewartes and Baillies within their Juriſdictiones, Proveſtes, Aldermen, and Baillies within Burrowes and Cities: and to the Stewartes and Baillies within Regalities, for their paines. Quhilkis ordinar Judges be themſelves, their Deputes and Officiars, ſall have power to atteach and arreiſt the Perſons tranſgreſſoures of the ſaid Act, and to put them in Waird, quhill they bee tryed upon the ſaid tranſgreſſion, be ane Aſſiſe, quhilk ſall be done within the ſpace of three dayes after their apprehenſion at the fartheſt. And being found culpable, to halde them in Waird, quhill they have payed the ſaid paine, and found Sovertie to

abſteine

abſteine in time cumming, under doubling of the paine, Exceptand alwayes the Officiares and ſervandes of OUR SOVERAINE LORDIS Houſhald, conteined in the Roll thereof. The Officiares of his Eſtaite, Senatours of the Colledge of Juſtice, Advocates and Scribes thereof, Schireffes, Stewartes, and Baillies, the Proveſtes, Baillies and perſones, being, or that hes bene on the Councels of Burrowes, and Judges in *R*egalities, Herauldes and Maſers, quhilkis ſall not be ſubject to the paines of this preſent Act, For wearing and uſing of ſik apparell, as they have, or ſall happen to have in time cumming, either in the time, that they beare Office, and are Counſellers or thereafter, during their life-times, Nether ſall onie of his Hienes *L*ieges bee ſubject to the ſaidis paines, for uſing and wearing of onie their Cleithing, alreadie maid before the publication of this preſent Act, nor to onie ſervandes, for uſing and wearing of the auld Cleithing of their Maiſteris or Maiſtreſſes, nor to onie Weemen, for uſing and wearing of ſik apparell upon their heades, as they have bene accuſtumat to weare in time bygane. And to the effect, that all his Hienes Subjectes prohibite be this preſent Act, to weare the ſaid coaſtelie Cleithing, may the better be ſerved of Claith and uther ſtuffe, wrocht within this *R*ealme, to their ſufficient Cleithing in their degrees, As alſwa that the pure peopill may be the better halden in wark, throwe the labouring of the wooll of this Cuntrie within the ſame: THEREFOIR, It is ſtatute and ordained be OUR SOVERAINE LORD, with adviſe of his ſaidis Eſtaites: That na maner of wooll be tranſported or put in Schippes or Boates, to be tranſported furth of this Realme in time cumming, under the paine of confiſcation of the ſame Wooll, and of all the remanent guddes movabill of the perſones awners and tranſportes thereof, to OUR SOVERAINE *L*ORDES uſe. And that na licence or diſpenſation ſall be granted be OUR SOVERAINE LORD or his ſucceſſoures, to quhatſumever Perſone or Perſones, for tranſporting of Wooll furth of this *R*ealme, after the ſaid firſt day of Maij nixt-to-cum, under quhatſumever cullour or pretenſe. And that alſweill the purcheſſeris of the ſaid diſpenſationes or licences (gif the ſamin ſall happen throw importunitie, or wrang narrative, to be granted) as their informers buyers of the licences, from the purcheſſeres uſers thereof, and tranſporteres of the Wool in their *S*chippes and veſſelles, ſall incur the ſaidis paines, as gif na ſik licences had bene granted, quhilkes ſall be eſteemed bot as private letters, ſurreptitiouſly purchaſed, quhairever they ſall happen to bee ſchawen in Judgemente, or out-with, quhair-throw the trew effect and meaning of this preſent Act, ſall na wayes be hindered or prejudged.

114. *Againſt ſuperfluous Banquetting, and the inordinat uſe of Confectoures and Drogges.*

OUR SOVERAINE *L*ORD, And his three Eſtaites convened in this preſent Parliament, underſtanding the great exceſſe and ſuperfluitie uſed in Bridelles and utheris Banquettes amangis the meane Subjectes of this *R*ealme, alſweill within Burgh as to *L*andward, To the inordinat conſumption, not onlie of ſik ſtuff as growes within the *R*ealme, bot alſwa of Drogges, Confectoures & *S*piceries, brocht from the pairtes bezond *S*ea and ſauld at deare prices to monie folke, that are verie unabill to ſuſtene that coaſte. For ſtanching of quhilk abuſe and diſorder, IT IS ſtatute and ordained be OUR ſaide SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites: That na maner of Perſones his *S*ubjectes, being under the degree of Prelates, Earles, *L*ords, Barronnes, landed Gentil-men, or utheris that are worth and may ſpende in zeirlie frie *R*ent, twa thouſand markes money, or fiſtie Chalderes Victuall, all charges deduced, ſall preſume, to have at their Bridelles, or uther Banquettes, or at their Tables in dayly cheare, onie Drogges or Confectoures, brocht from the pairtes bezond *S*ea, and that na Banquettes ſall be at onie upſittinges, after baptizing of bairnes, in time cumming, under the paine of twentie pund to be payed be everie Perſone, doer in the contrair, Aſweill of the Maiſter of the Houſe, quhair the effect of this Act is contravened, as of all uther perſones, that ſall be found or tryed partakeris of ſik ſuperfluous Banquetting, and eſcheitting of the Drogges and Confectoures apprehended. For quhilk the Proveſt and Baillies within Burgh, and the Schireffes, Stewarts, Baillies, and *L*ords of Regalities, and their Baillies to *L*and-wart, ſall appoynt ſearchers, To quhilkis ſearcheris oppen durres ſall be maid, of quhatſumever Houſes that they cum to ſearche, under the paines to be eſteemed culpabill in the tranſgreſſion of this Act, gif they refuſe. And the offenderis being apprehended, to bee taken and halden in Waird, quhill they have payed the ſaidis pecuniall paines, to be employed the ane halfe to the behoove of the ordinar Officiares and ſearchers, and the uther halfe to the pure of the Parochine.

115. *Ratification of the Act of Parliament, concerning the Deciſion of Appellationes, maid to the Court of Rome.*

OUR SOVERAINE LORD, and the three Eſtaites of this preſent Parliament, Ratifies, appreivis, and confirmis the Act of Parliament underwritten in all poynts, paſſes, clauſes and Artickles conteined thereintill. And ordainis the ſamin to have full ſtrength, force and effect, and alſwa decernis and declairis the ſamin Act to have bene ane commoun Law, fra the day and dait thereof, and ſwa to be in all times cumming. And that na Judge within this Realme take upon hand, to cognoſce or decide in onie cauſe contrair the tenour and ordinance of the ſaid Act, or to wry or wreiſt the ſamin, be their ingyne or interpretation, bot the ſamin Act to be keeped in all the circumſtances thereof, according to the

tenour of the ſamin, Of the quhilk the tenour followis. IN THE PARLIAMENT, halden at *Edinburgh*, the tenth day of Julie, the zeir of God, 1560. zeires. The ſaid Parliament being continewed to the firſt day of Auguſt nixt thereafter following, with continuation of dayes upon the 24. day of the ſaid Moneth of Auguſt: The three Eſtaites then being preſent, underſtanding that the Lieges and ſubjectes of this Realme, havand actions dependand and perſewed in the Court of *Rome*, or in the conſiſtories of the ſamin, hes ſuſteined great expenſes, ſa that they have bene alluterlie herried theirthrowe. For eſchewing of the quhilk, and that na pairtie, havand juſt Action, be defrauded thereof. IT IS ſtatute and ordained, that all pairties, alſwell perſewers as defenders, havand pleyes, dependand in the ſaidis Court of *Rome* or Conſiſtories, or before uthers Judges, called Delegates or Sub-delegates, ſall perſewe or defend the ſame at their option before the Lordes of our Soverainis Seſſion, the Schireſſe, Stewart, or Baillie of Regalitie, Baillie of Barronnie, Proveſt or Baillies of Burrowes, or uthers temporall Judges ordinars within this Realme, quhair the pairtie perſewer aucht to anſwer of the Law, and the ſaidis proceſſes to beginne quhair they left, according to the laſt Act of the proces, and after the forme thereof, quhill the finall end and deciſion of the ſamin. And the ſentence being given, the execution to be maid thereof, as of uther ſentences pronunced before uther temporall Judges of this Realme. And attover, becauſe it is likewiſe underſtand, that there is Appellationes maid and interponed fra divers ſentences, given in the foreſaidis Conſiſtories, and als fra ſentences be Judges Delegates and their Sub-delegates, quhilkis appellationes being Juſtified, may reduce the ſaid ſentences. Therefore, IT IS ſtatute and ordained, That the pairties quha hes appealed, give in their ſupplications to the Lordes of our Soverainis Seſſion, to have letters to call the pairtie, for quhome the ſentence is given, to compeir before the ſaidis Lordes to heare and ſee twa, three, or foure named be commiſſion, To ſit in the maiſt convenient place, to cognoſce upon the ſaid Appellation and ſentence, and to declaire the ſamin, according to the Law, Outher retreitand the ſentence or confirmand the ſamin. Providing that the perſewers of thir appellations do their diligence in maner foreſaid, within the terme & ſpace ſpecified in the Lawes; utherwayes not to be heard hereafter, bot execution to be given upon the ſaidis ſentences, ſiklike as & the pairtie had not appealed theirfra. And in likewayes, becauſe it wes lauchfull at ſumtime, be way of Supplication, called *Permodum ſimplicis querelæ*, for to ſeeke remeid of the nullitie and iniquitie of ſentences, albeit na appellation had bene maid and interponed theirfra. Therefore it is ordained, that the ſaidis ſupplicationes ſall be given in be the compleeners, to the ſaidis Lordes of the Seſſion, quha ſall have cognition thereintill, & do Juſtice their anent, conforme to the Law, Providing alwayes, that this have place onlie in ſik cauſes, as of before were permitted to perſew *per modum ſimplicis querelæ*, allanerie.

116. *Againſt the abuſe of ſum landed Gentil-men, and utheris forbearing to keepe houſe at their awin dwelling places.*

FORSAMEIKLE, as of lait there is croppen in amangis ſum Noble-men, Prelates, Barronnes, and Gentil-men, in certaine pairts of this *R*ealme, being of gude livinges, great abuſe contrair the honour of the *R*ealme, & different from the honeſt frugalitie of their Forebeares, paſſing to Burrows, Townes, Clauchannes & Aile-houſes with their houſhaldes, and ſum abiding in their awin places, uſis to buird themſelves and uthers to their awin ſervands, as in hoſtillaries, quhairon ſkaithfull and ſchameſull inconvenients daylie falles out, to the offenſe of God, defrauding of the pure of their almes, ſclander of the Cuntrie, and hurt of the authours. For remeid quhairof, Our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, hes ſtatute and ordained: That every Prelate, *L*ord, Barronne, and landed Gentil-man, ſall make his ordinar dwelling & reſidence at his awin houſe with his familie, in all time cumming, after the publication of the Acts of this preſent Parliament, For ſetting forward of policie and decoration of their ſaidis dwelling places, ſupporting of the pure with almes, & interteining of friendſchip with their Nichtboures be all gude & honeſt meanes. And that they forbeare the ſaid unhoneſt forme of buirding of themſelves, & their families and houſhaldes in Burrowes, Clauchannes & Aile-houſes, or in their awin houſes, under the paines following. That is to ſay: Ilk Lord and Prelate, under the paine of 500. markes, ilk great Barronne under the paine of 300. markes, and ilk landed Gentil-man under the paine of 200. markes. And gif they failzie, being called & ordourlie convict of tranſgreſſing this preſent Act, the ſaidis paines to be up-lifted to our Soveraine Lords uſe.

117. *The forme and paine of Law-borrowes.*

FORSAMEIKLE, As ſindrie gude Actes hes bene maid anent finding of Law-borrowes, for preſervation of the trewe and obedient Subjectes from injuſt force and violence. And laitlie for their greater comfort, IT was weill ordained, that the paines of Law-borrowes ſuld be divided betwixt the King and the Pairtie offended unto. Nevertheleſſe, ſeeing the paines of Law-borrowes hes extended only in time bygane, for ſafetie of bodielie harme from the perſon of the compleener: The malice of the wicked ſa increaſis, as they ceaſe not be indirect meanes, and hounding out of *L*immars, vagaboundes, and uthers not reſponſall, to invade the innocent perſones, not onlie in their bodies, bot to reive, ſteale, houch, or ſlay their Oxen, Horſes, and uther Cattell, cut or deſtroy their Cornes, or to cauſe eate the ſame with Beſtiall, to hound and ſlay their ſcheepe with dogges, boaſt themſelves in ſik ſorte, as they dare not lie in their awin Houſes, or to manace their ſervandes, to lieve their ſervice, quhairthrow their ground may be layed waſt, to the utter wrack and depaupering of the Innocentes.

QUHAIR

QUHAIRFOIR, OUR SOVERAINE LORD, with adviſe of his three Eſtaites in this preſent Parliament, Ordainis, That all Letters of Law-borrowes, ſall be direct in time cumming, at the inſtance of the pairties compleenand, Chairgeing the perſones compleened upon, to finde ſicker ſovertie and Law-borrowes, that the compleeners, their wives, bairnes, tennentes and ſervandes, ſall be harmeles, and skaithles in their bodies, Landes, Takkes, poſſeſſiones, guddes and geare, and on na wayes to be moleſted or troubled theirin, be the perſones compleened upon, nor na uthers of their cauſing, ſending, hounding-out, receipting, command, aſſiſtance and rati-habition, quhome they may ſtoppe or let directlie or indirectlie, utherwayes nor be ordour of Law and Juſtice, under great paines to be modified be the Lordes of Seſſion, or uthers ordinar Judges, Be quhome, in caſe the ſaid Law-borrowes ſall be dewlie tryed to be broken, the ane halfe of the paine ſall perteine to OUR SOVERAINE LORD, and the uther halfe to the pairtie grieved, according to the effect and meaning of the ſaid Act, maid to that effect of befoir.

118. *Anent deforcements, breaking of Arreiſtmentes, and Alienationes maid in defraud of Creditoures.*

FORSAMEIKLE, As it is heavelie compleened to OUR SOVERAINE LORD, be divers his ſubjectes: That quhen they have upon their lang travell and expenſes recovered their ſentence, they ar deforced in execution thereof. Lyke as quhen Arreiſtmentes ar maid to make the gudes furthcummand, after the recovery of the debt, the ſamin ar contempnandlie broken. And farder, the execution of ſentences and decreetes are oft-times impedite be fraudfull alienationes of the debtoures Landes and guddes, maid be them throw colorate meanes, to their friendes and conjunct perſones. And the Pleyes and actions upon deforcements, breaking of arreiſtments, and reduction of fraudefull alienationes, hes bene ſwa tedious, ſumpteous and langſum, that very fewe of them are brocht to ony gude end, quhairby our Soveraine Lordis Authoritie is contemned, and his Subjectes are brocht to great inconvenient. For remeid quhairof, IT IS ſtatute and ordained, That the Lordes of Councell and Seſſion proceede ſummarlie and diligentlie in all actiones of deforcementes, and breaking of arreiſtmentes, to be intented before them, at the inſtance of quhatſumever perſones, and ſpeciallie that the ſaidis actiones, quhen they are called, ſall with all convenient ſpeed without intermiſſion be put to ane poynt, after the calling thereof. And that the perſones convict of deforcement, or breaking of arreiſtment, ſall be puniſched be the Eſcheit of their guddes movabill, and puniſchment of their perſones, at our ſaid Soveraine Lordis will, according to the Lawes obſerved of before, with this addition: That the pairtie recoverer of the ſentence, ſall be firſt payed of his debt and of his expenſes, to be heichlie taxed be the ſaidis Lordis, and of ane certaine ſumme of money to be modified at the ſaidis Lordis diſcretion, to the pairtie, for the damnage and intereſt ſuſteined be them. Anent the quhilk the pairtie intereſt, ſall have the reddie execution upon the firſt and reddieſt guddes and geare of the perſone convict: Notwithſtanding the richt of the Eſcheit perteining to OUR ſaid SOVERAINE LORD, quha for weill of his ſubjects, will and grantis, that the creditours be preferred to him in this caſe. And further with adviſe of his ſaidis three Eſtaites, IT IS ſtatute and ordained be his Hienes: That all giftes of eſcheit, quhilkis ſall be given hereafter, to quhatſumever perſon or perſones of guddes, geare, and uthers cummand in his Hienes handes for deforcement, or breaking of arreiſtment, ſall conteine expreſſe exception and reſervation, to the Creditour, of the ſummes recovered for his principall debt, expenſes and ſumme, to be modified as ſaid is. And gif ony gift of Eſcheit proceeding upon the cauſe foreſaid, be given without the ſaid reſervation and exception, the ſame ſall be null & of nane availl. And ſik-like, for the greater expedition of reduction of Alienationes and diſpoſitiones of Landes and guddes, maid in fraude of the Creditour, IT IS ſtatute and ordained, that the ſamin be maiſt ſummarlie decided and priviledged be ſummondes upou 21. dayes warning, without diet, table or continuation of uther ſummonds. And that the Pairtie receiver of the ſaidis fraudefull alienationes and diſpoſitiones, ſall not be heard to defend therein, except that they (before they be admitted to produce the ſaidis alienaones and diſpoſitiones, and to anſwer to the ſummonds) conſigne in the handes of the Clerk of Regiſter and his Deputes, for quhome he ſall be halden to anſwer, ſik ſummes of money, as ſall be modified, be the diſcretion of the ſaidis Lordes, to be delivered to the pairty perſewer, in caſe the ſaidis alienationes and diſpoſitiones ſall be declared fraudfull.

119. *Anent regiſtration of inhibitiones and interdictiones.*

ITEM, Albeit interdictiones and inhibitiones, for many great and weichtie conſiderationes, to divers intentiones, ar very neceſſar and profitable: Nevertheleſſe, it is of lait conſidered, that the ſaidis inhibitiones and interdictiones, ar greatly abuſed, to the hurt and prejudice of our Soveraine Lordis lieges, contrarie to the end quhair-unto they were firſt directed: In ſa far, as interdictiones, for the maiſt pairt proceedis upon conſent of pairty, like as the ſaidis interdictiones, and letters of inhibition, oft-tentimes proceedis upon licht cauſes: The executiones quhairof, ar ſundrie times forged and fenzeit, and after mony zeires, the executor and witneſſes being deceaſſed, the ſaidis inhibitiones and interdictiones ar uſed againſt our Soveraine Lordis lieges, at the inſtance of the receivers thereof, and uthers, for reſcinding & retreating

of contractes, infeftmentes, and uther richtes upon allegeance, that the ſamin ar maid fraudfullie, after the publication of the ſaid interdiction, and inhibition: Be the quhilk craftie dealing, ſik as contracted *bona fide*, ar brocht in danger to their great damnage, and to the advantage of the ſaidis perſones, abuſers of the ſaidis inhibitiones and interdictiones. For remeid quhairof, and to the effect that everie ane of our Soveraine Lordis lieges may knaw and underſtand, the conditione and qualitie of the perſon, with quhom he contractis in this head, quhidder he be ſubject and thrall to interdiction or inhibition, or be at his awin freedome and libertie to contract. IT IS ſtatute and ordained, that all inhibitiones and interdictiones to be raiſed hereafter for quhatſumever cauſe, with the executiones and indorſationes thereof, be within 40. dayes after the publication and execution of the ſaidis inhibitiones and interdictiones, produced firſt to the Schireſſe Clerk of the Schire, quhair the perſone interdited or inhibit dwellis, and makis his reſidence. And gif the ſaid perſone have his landes and heritage, or the maiſt pairt thereof lyand in ane uther Schirefdome, nor quhair he dwellis: That the perſon, at quhais inſtance the uther is interdited or inhibite, produce the ſaid interdiction and inhibition, dewely execute and indorſat to the Clerke of the Schire, quhair the ſaidis lands lyes, within the ſamin 40. dayes. Quhilkis letters of interdiction and inhibition, with the execution thereof, the ſaidis Schireſſe Clerkes, ſall inſert in their regiſters, takand for everie letter, with the executions thereof, five ſchillinges. Quhilk letter, with the execution thereof, they ſall ſigne with their ſubſcription, and deliver the ſamin ſwa ſignet to the partie, within xxiv. houres, nixt after the receipt thereof. The extract of the quhilk regiſter, ſall have as great faith and ſtrength, as gif the originall wer ſchawin, except the parties havand intereſt to oppone againſt the ſaidis inhibitiones and interdictiones, offer to improve the ſamin, be way of action, or exception. In the quhilk caſe, the pairtie purcheſſer of the ſaidis letters, and uthers havand intereſt to defend the ſamin, ſall be halden to produce the principalles, and originalles, notwithſtanding that they be regiſtrat, as ſaid is. And that na interdiction or inhibition to be rayſed and executed hereafter, be of force, ſtrength, or effect, to onie intention, bot the ſamin to be null and of nane availl, except the ſamin be dewlie regiſtrat, as ſaid is.

Ratification of the Act anent preſcription in cauſes of ſpuilzies and ejectiones.

OUR SOVERAINE LORD, with adviſe of his three Eſtaites, in this preſent Parliament, Ratifies and apprevis the Act maid in his Hienes Parliament, halden and begun at *Edinburgh* the 20. day of October, the zeir of God, 1579. zeires: Anent preſcription in cauſes of ſpuilzies and ejectiones, And ordainis the ſame to have effect and execution in time cumming, after the forme and tenour thereof.

119. *Anent the Convention of Burrowes.*

FORSAMEIKLE, As it was found neceſſar to OUR SOVERAINE LORD, and his Hienes Predeceſſours, That the Commiſſioners of Burrowes convene at ſik times, as they ſuld think gude; in quhat Burgh they thoucht maiſt expedient, with full commiſſion, To treat upon the weilfair of Merchandis and Merchandice, gude rewle and ſtatutes for the commoun profit of Burrowes, as at mair length is conteined in the Acts of Parliament maid theiranent, and anent the Priviledges of Burrowes. Therefore our Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament. Ratifies and apprevis the ſaidis Actes. And for the better obſervation of the ſaidis Conventiones be ſik Burrowes, as hes heretofoir not ſent their Commiſſioners at onie time thereto, hes ſtatute and ordained, that in time cumming, quhen onie conventiones of Burrowes is appoynted, be the maiſt pairt of the ſaidis Burrowes, or be the Burgh of *Edinburgh* and onie ſex or aucht of the reſt, The Burgh warned thereto be ane Miſſive bill of the Proveſt and Baillies of the Burgh, quhair the ſaid convention is to be halden, or utherwayes lauchfullie cited thereto, & not compeirand be their Commiſſioner ſufficientlie inſtructed, ſall pay for the charges of the Burghes that ſall convene the ſumme of twentie pundes. And ordainis the Lordes of Councell and Seſſion, to grant and direct letters of horning or poynding, againſt the Burrowes abſent fra the ſame Convention, and adjudged bee the remanent Burrowes, to have incurred the ſaid paine and unlaw. And this at the inſtance of the Burgh of *Edinburgh*, without farther proces or calling of pairty thereto. The ſaids Lords ſeand the Act authenticklie ſubſcrived be the Clerk of that Convention, That they ar abſent and convict, as ſaid is.

120. *Anent the cumming of Schippes to the Burrowes in the* Weſt Cuntrie.

OUR SOVERAINE LORD, and his three Eſtaites of this preſent Parliament, Ratifies, appreivis, and confirmis the Act, maid be his Hienes maiſt Nobill Progenitor King *James* the Fourth of gude memory, Anent ſtrangers repairing within this Realme with their ſchippes and guddes in all poyntes, paſſages, clauſes, and artickles thereof, And decernis the ſamin to have full effect and ſtrength in time cumming, after the forme and tenour thereof, with this Addition: That all maner of ſtrangers ſchippes, and utheris repairing to the *Weſt pairtes* of this Realme, *Weſt* and *North Iles* thereof, cum to the Kingis frie Burrowes, ſik as *Kircudbricht*, *Wigtoun*, *Air*, *Irwing*, *Rotheſay*, *Dumbartane*, or *Renfrew*, and there make their Merchandice with frie-men thereof, of all maner of gudes, alſweill brocht

with in this Realme bee them, as tane furth of the ſamin, and pay their cuſtome and dewtie to the ordinar Cuſtomers in they pairtes, quhair they arrive and paſſis fra, and takke their cocquettes there, as the uther Lieges of the Realme. Inhibitand expreſlie the ſaidis ſtrangers, that they make na maner of merchandice, at the Loches of the *Weſt* and *North Iles*, nor na uther places, not being frie Burrowes, nor buy onie merchandice of fiſche, bot ſalted and barrelled, bot at free Burrowes and that fra free-men: Commanding expreſlie, all our Soveraine Lordis lieges, that nane of them conduct, fraucht, nor pilot onie ſtranger, to the ſaidis *Iles*, under quhat-ſum-ever cullour or pretence, to the defraud of our Soveraine Lordis lieges, and of his Hienes cuſtomes, under the paine of tinſell of life, Landes, and gudes. And commanding alſwa, all ſtrangers, reſorters, and repairers, within the ſaidis *Iles*, that they, nor nane of them, do, nor attempt onie deed or fact, in contrair heirof, under the paine of amiſſion, tinſell and confiſcation of their haill ſchippes and gudes. Givand alſwa full power and commiſſion to the Proveſtes, Baillies, and Officiares, of the ſaidis Burrowes, for quhom they ſall be halden to anſwer, to ſearch, ſeeke, take, apprehend, and in-bring all the ſaidis ſtrangers, contraveneris of this preſent Act, every ane of them within the boundes of their juriſdiction: And gif they be foundin culpabil, and breakers heirof, to proceed and do Juſtice theirupon, and to appoynt and take up their haill ſchippes and movabil gudes, That is to ſay: the twa pairt to our Soveraine Lordis uſe, quhairof they ſall make zeirly compt, in his Hienes Checker, and the thrid pairt, to the apprehender of the ſaidis contraveneris of the ſaid Act. And ordainis letters of publication, to be direct heirupon, gif neid beis, in forme as effeitis.

121. *Anent the ſetting of ordour and price on all ſtuffe.*

OUR SOVERAINE LORD, With adviſe of his three Eſtaites, and haill body of this preſent Parliament, ratifies, apprevis, and for his Hienes, and his Succeſſours perpetuallie confirmis, the Actes maid be his maiſt Nobil Progenitors, for the ſtancheing of dearth of victualles, and ſetting ordour and price on all ſtuff. And ordainis all Erles, Lordes, Barronnes, alſweill within Regalitie as Royaltie, and their Baillies to Land-wart, and the Proveſtes and Baillies of all Burrowes and Cities, to cauſe the ſaidis acts of Parliament, be put to dew execution, everie ane within their boundes and juriſdiction, *Reſpective:* Makand and conſtituand them Juſtices to that effect, with power to them, to make and appoynt ſtatutes and ordinances, for the ſpecial obſervation of the ſaidis Actes, at everie head Court zeirly: And to inquire, call, accuſe, and puniſche, the contraveneris of the ſaidis Actes, at the ſaidis head Courtes, under the paine of ane hundreth pundes, to bee payed be everie Erle, Lorde, Barronne alſweill within Regalitie as Royaltie and their Baillies. And of the Proveſtes, Aldermen, and Baillies of every Burgh and Cietie, that ſall be found remiſſe and negligent in execution of the ſaidis Actes, for every time that they ſall be dewlie called and convict theirof. And ordainis dittay to be tane heirupon, And the ſaidis Judges to be called to underlie the Law therefoir, outher at general Juſtice Aires, or at particular diettes, as it ſall pleaſe the Kingis Majeſtie to command.

122. *Horſe ſuld not be halden at the hard meat, bot untill the 15. day of Maij, and after the 15. of October.*

FORSAMEIKLE As it is conſiddered be our Soveraine Lord, and the three Eſtaites of this preſent Parliament, That amangis the monie uthers occaſiones of dearth of Victualles within this Realme, there is ane ſpeciallie very unprofitable to the commoun-weill, quhilk is, the halding of horſes at hard meat all the Sommer ſeaſon, uſed commounlie be perſones of meane eſtaite, Cowppers, of intention to make merchandiſe of the ſaidis horſes, being for the maiſt pairt ſmall Nagges, and na Horſes of ſervice. Quhairfoir, IT IS ſtatute and ordained, That nane of our Soveraine Lordis Lieges, not being ane Erle, Prelate, Lord, great Barronne, or ony of his Hienes privie Councell, Seſſion, or landed Gentil-man, that may ſpend of his awin ane thouſand markes of zeirlie rent, all charges deduced, ſall hald ony maner of Horſes at hard meat zeirlie, langer nor the fifteene day of May, nor take them in befoir the fifteene day of October, under the paine of eſcheitting of the ſaidis Horſes, or paying the availl of them to OUR SOVERAINE LORDIS uſe, And ordainis the tranſgreſſion of this Act to be a poynt of dittay, And the contraveners, to be accuſed and puniſched at Juſtice Aires, or particular diettes, as accordis.

123. *For execution of the Actes maid againſt ſchuitting with Gunnes at wylde Beaſtes and Fowles.*

OUR SOVERAINE LORD, underſtanding, that there hes bene divers Actes of Parliament maid of befoir, Anent the ſlaying of Hart, Hynd, Dae, Rae, Haires, Cunninges, and uthers beaſtes, with Culverings, Cros-bowes, and Hand-bowes, And ſpeciallie the Act maid in the Parliament, halden at *Edinburgh* in *December*, the zeir of God, 1567. zeires. Quhilkis Actes hitherto hes tane na effect, and that in default of Magiſtrates, quhilkis were appoynted to put the ſame to execution. THEREFOIR his Hienes, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreeved the ſaidis haill Actes, and ſpeciallie the ſaid Act maid in *December*, the zeir of God, 1567. zeires, in all pointes, paſſages, clauſes, and artickles theirof with this addition: That in caſe the Judge ordinar, within quhais

boundes the contravener of this preſent Act beis apprehended, dois not execute the ſamin, ſa oft as dittay ſall be given unto him upon ony contravener, he ſall pay for the firſt fault the ſumme of ane hundreth pundes, for the ſecond fault, twa hundreth pundes, and ay ſa oft as he failzies, ſall double the ſaid paine, to be applyed to OUR SOVERAINE LORDIS uſe. And to the effect, that the Stewardes, Baillies, and all uthers ordinar Judges within this Realme, may put the ſaid Act to dew execution: OUR SOVERAINE LORD, with adviſe foirſaid, hes ordained, and ordainis, the Lordes heritours, or poſſeſſours of the ground, to preſent the contravener of the ſaid Acte, to the ordinar Judge, within quhais boundis the ſaid contravener dwellis and makis reſidence: The ſaid heritour or poſſeſſour, being required be the ordinar Judge, to do the ſamin, under the paine foirſaid, ſa oft as he beis required to that effect, to be applyed to OUR SOVERAINE LORDIS uſe, as ſaid is, with power to the ſaidis ordinar Judges, to call and conveene the ſaidis heritoures or poſſeſſoures, refuſand to preſent the ſaidis contraveneres for the ſaidis paines. And gif they be found culpable, to convict them their-intill, and to poynd and diſtrenzie them theirfoir: And to make zeirly compt theirof, to OUR SOVERAINE LORDIS Theſaurer, in his Hienes Checker: Swa that the ſamin may be applyed to his Hienes uſe, as ſaid is. And ordainis ſpecial letters of publication, to be direct heir-upon, gif neid beis, in forme as effeiris.

124. *Againſt the tranſporting of Nolt and Scheepe and uther Cattle foorth of this Realme.*

OUR SOVERAINE LORD, With adviſe of his three Eſtaites, and haill bodie of this preſent Parliament, ratifies, appreivis, and for his Hienes and his Succeſſors, perpetually confirmis, the Actes maid be his Hienes maiſt Noble Progenitours, againſt the tranſporting of Scheepe, Nolt or uther Cattle foorth of the Realme: And ordainis the ſame to have full effect and execution in time cumming, with this addition: That it ſall be leiffull to ony of our ſaid SOVERAINE LORDIS Lieges, that happinis to apprehend onie Nolt or Scheepe, zoung or auld drivand, to be tranſported foorth of this Realme, to ſtay the gudes, and to apprehend and keepe the drivers of them, quhill they have thoilled ane Aſſiſe befoir the Juſtice, or his deputes, in the *Tolbuith* of *Edinburgh*, or befoir the Schireffe, Steward, or Baillie of the boundes, quhair they ſall happen to be apprehended, quhom his Hienes makis ordinar Juſtices in that pairt, for trying of the contraveneres of this preſent act, and executing of the paine of hanging upon them, and confiſcation, alſweill of the gudes apprehended, as of the remanent of their moveable gudes: Quhilkis perſones, being found guiltie, ordainis and declaris, the ane halfe of the ſaidis gudes apprehended, and their remanent movable gudes, to be equallie divided betuixt the Judge ordinar, and the apprehender for their paines, and the uther halfe of the ſame eſcheit guddes to be in-brocht to our Soveraine Lordis uſe, and compt to be maid of the ſame in the Checker.

125. *Againſt the unlauchfull taking of profite be Captaines and keepers of the Kingis Caſtles.*

FORSAMEIKLE, As amangſt ſindry utheris great diſordours, growen in this Eſtait, ſen the Kingis Majeſties Coronation, ane, not of the ſmalleſt importance, hes bene the making of mercat of the Kingis Caſtles and ſtrengthes (being the Keyes of the Realme, quhairin the Ordinance, Munitiones and Jewelles of the Crown ar placed) be ſum, to quhom the cuſtodie and keeping theirof, happened to be committed for the time: Conſtraining his Hienes Regentes, in his tender age, and utheris havand his richt and power for the time, to redeeme his awin houſes, Munitions and Jewelles at his great charges, and with their Landes, livings, and guddes, to the heavie damnage and intereſt, alſweill of his Majeſtie, as of them, their aires and poſterities. FOR remeid quhairof, and eſchewing the like evil example amangeſt his Hienes Subjectes, to make their unlauchfull advantage and commoditie be his ſervice in all time cumming. IT IS STATUTE and ordained, that quha ever hes received onie ſummes of money, landes, benefices, or guddes, outher belangand to his Hienes or his Regentes, and utheris, havand his richt and power, for the randering and delivering of his Hienes proper Caſtles and ſtrengthes, with his Ordinance, Munitiones, and Jewelles, being theirein, ſen his Hieneſſe Coronation, or that happenis to make ony ſik contract or merchandice in time cumming, directly or indirectly, ſall be halden to rander and deliver againe that quhilk they have received, or ſall happen to receive, to the behoove of themſelves, or ony of their aires, or the availl theirof to his Hienes, and his Succeſſoures, being properly his awin, or to his ſaid Regentes, or uthers, havand his Hienes richt and power, their aires and executors, upon cognition had that the thinges given for the ſaid cauſe, perteined properly unto them, to be bruiked and joiſed be them, and their aires, in-caſe they be capable theirof, or utherwaies to be diſponed at their pleaſures. And that his Hienes and they, ſall have gude action for repetition theirof, as neceſſarilie given be them for the time, to eſchew greater inconvenientes, and zit wrangeouſlie received be the takers, for unlauchfull cauſes.

126. *For puniſhment of the fraudfull mixtion of Wines, be the Taverners and ſellers theirof, and utheris their abuſes.*

FORSAMEIKLE As be ane Act of Parliament maid at *Edinburgh* the firſt day of Februar, The zeir of GOD, M. D. LI. zeires: IT IS ſtatute and ordained, that na maner of Taverners take upon hand, to make onie mixtion of onie auld Wines and new Wines, or put ony Water in the ſame, under the paine

paine of eſcheiting of the punſcheon, that ſik wine or water ſall be put into: Togidder with all the reſt of al and ſindrie the Wines, being the awners of ſik a Taverne, and tinſell of their freedome for ever. And in like maner, that nane of OUR SOVERAINE LORDIS Lieges, buieres of Wines to be topped againe, and haveris of Tavernes, take upon hand to huird or hide ſik wines, coſt be them in their houſes and privie places, bot that they put the ſamin in their commoun Tavernes, and voultes theirof, to be ſauld indifferently to our Soveraine Lordis lieges, upon the prices that ſall be ſet, maid, and proclaimed their anent, under the paines foirſaidis. Quhilk Act our Soveraine Lord, with adviſe of his three Eſtaites in this preſent Parliament ratifies and apprievis, Ordaining the ſame to ſtande in force and effect, as a perpetual Law in time cumming. And for the better execution thereof: makis and conſtituris the Proveſtes and Baillies of all Burrowes his Hienes Juſtices in that pairt, with power to them to make ſe archeoures, take inquiſiton, and halde Juſtice Courtes everie moneth anis, within ilke Burgh, quhair wine is to be ſauld, upon the contraveners of the ſaid Act. And as they be found culpable, to execute the ſaides paines upon them. And in-caſe the ſaides Proveſtes and Baillies beis found remiſſe, or negligent theirin, being called and convict thereof, They to incur the paines of tinſell of their freedome, and not to bruike honor nor office within Burgh in onie time thereafter.

128. *Anent the Proclamation of the actes of Parliament.*

FORSAMEIKLE, As it is underſtand to the Kingis Majeſtie, and the three Eſtaites of Parliament, that oftentimes, doubtes and queſtions ariſis, touching the Proclamation of the Actes of Parliament, and publication thereof: It being ſum-time alledged be the lieges, that they are not bound to obſerve and keepe the ſamin as Lawes, nor incur ony paines conteined therein, quhill the ſame be proclamed at the mercat croces of the head Burrowes of all Schires. For remeding of quhilkis doubtes, in time cumming: It is ſtatute and ordained, be our Soveraine Lord, and Eſtaites of this preſent Parliament: That all actes and ſtatutes of Parliament, maid at this time, and ſall happen to be maid at onie time hereafter ſall be publiſhed and proclamed at the mercat-croce of *Edinburgh* onely. Quhilk publication our Soveraine Lord and Eſtaites foirſaidis, decernis and declaris, to be als valiable and ſufficient, as the ſamin were publiſhed at the head Burrowes of the haill Schires within this Realme. And alſwa declaris the haill Lieges, to be boundin and aſtricted to the obedience of the ſaidis Actes as Lawes, fourtie dayes, after the publication of the ſamin, at the ſaid mercat-croce of *Edinburgh*, beingby-paſt.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES, and utheris, maid be KING JAMES the Sext, in this ſeventh Parliament, 24. October, 1581. not imprented.

1 *THE laſt pairt of the act anent Miniſters ſtipendes.*
2 *Commiſſion anent certaine artickles propoued in Parliament.*
3 *Commiſſion for reformation of Hoſpitalles.*
4 *Anent the eſtabliſhing of the Kingis Councell.*
5 *Ordour how the King ſall be releived of importune and untimous ſuters.*
6 *Anent the diſchargeing of factories.*
7 *Anent the taxation of ward landes.*
8 *Anent debaitable cauſes, betuixt the ſur-names,* Gordoun *and* Forbes.
9 *Compromit betuixt the ſaidis parties.*
10 *Anent the chaunging of the ſur-name of* William Maxwell *appearand of* Lammingtoun, *in to the ſur-name of* Bailzie.
11 *Act remitting the deciſion of the controverſie betuixt* Dundie *and* Perth, *bo the remanent Burrowes.*
12 *Act in favour of* John Carnegie.
13 *The erection of the landes of* Doun *in ane Lord-ſchip.*
14 *Act in favour of the Burgh of* Aberdene.
15 *The chaunge of the aſſumption of the thrid of the Abbacie of* Scone.

16 *Change*

16 *Chaunge of ane pairt of the aſſumption of the* 3. *of the Abbacie of* Aberbrothok.
17 *Proteſtation of the Nobilitie anent the murther of the Kingis Father.*
18 *Ratification of the faire of* Dalkeith.
19 *Ratification of the Burgh in Barronny of the Toun of* Myretoun.
20 *Ratification of the Burgh in Barronny of the Toun of* Portſoy.
21 *Ratification of the ſeinzie faire in* Saint-Andrewes.
22 *Of the faire of* Striviling.
23 *Of the faire of* Auchterardour.
24 *Of the faire at the brig-end of* Luntrethin.
25 *Of the priviledge of Silk-making, granted to* Robert Dickſon.
26 *Ratification of the commiſſion, given to the Lordes of Seſſion, for taking ordour with the Commiſſars.*
27 *Ratification granted to Maiſter* William Bailzie, *Lord* Provand.
28 *Revocation of the propertie.*
29 *Revocation of the caſualities.*
30 *Revocation of the Collectorie.*
31 *Ratification of the diſpoſition of the reverſion of the Erledome of* Lennox.
32 *Ratification to* Robert *Erle of* Orknay.
33 *To* Frances, *ſum-time Erle of* Bothuell.
34 *To* John, *Erle of* Mortoun.
35 *To* William, *Erle of* Gowry.
36 *To Dame* Margret Leſlie, *Counteſſe of* Angus.
37 *To the Lord* Lindeſay.
38 *To* William Ker *of* Cesfurd.
39 *To* Andrew Ker *of* Faldoun-ſide.
40 *To* Henry Stewart *bis.*
41 *To* Andro Monro *of* Dawachartie,
42 *Item, to* Jennet King.
43 *To* William Moſman.
44 *To* Patrick Creichtoun *of* Lugtoun, *of ſindrie infeſtments.*
45 *Confirmation of the infeftment of few-ferme, of the Ile, Abbay and manſion of* Saint-Colmes-inche.
46 *Ratification of the Abbaicie of* Newbottle, *to Maiſter* Marck Ker.
47 *Ratification granted to* Henry Stewart, *of the Abbay of* Saint-Colmes-inche.
48 *Item, of the Priorie of* Pluſcarden, *to* Alexander *commendator theirof.*
49 *Item, of the Priorie of* Coldinghame, *to* Alexander *Prior theirof.*
50 *Ratification granted to* Saint *Leonards Colledge in* Saint-Andrewes.

FINIS.

THE

THE AUCHT PARLIAMENT CURRENT,

Halden at Edinburgh, *the XXII. daie of Maij, the zeir of God, 1584. zeires; Be the richt excellent, richt heich and michtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Eſtaites of this Realme.*

129. *Ane act confirming the Kingis Majeſties Royal power over all Eſtaites, and ſubjectes within this Realme.*

FORSAMEIKLE As ſum perſones, being lately called befoir the Kings Majeſtie, and his ſecreit Councell: to anſwer upon certaine points to have bene inquired of them, concerning ſum treaſonable, ſeditious, and contumelious ſpeaches, uttered by them in Pulpit, Schooles, and utherwaies, to the diſdaine and reproch of his Hienes, his Progenitours, and preſent Councell, contemptuouſlie declined the judgement of his Hienes, and his ſaid Councell in that behalfe, to the evil exempil of utheris to do the like, gif timous remeede be not provided. Therefoir our Soveraine Lord, and his three Eſtaites aſſembled in this preſent Parliament, ratifies, and approvis, and perpetually confirmis the royal power, and authoritie over all Eſtaites, alſweill Spiritual, as Temporal, within this Realme, in the perſon of the Kingis Majeſtie, our Soveraine Lord, his aires and ſucceſſours: And als ſtatutis and ordainis, that his Hienes, his ſaidis aires and ſucceſſours, be themſelves, and their Councelles, ar, and in time to cum ſall be judges competent to all perſones his Hienes ſubjectes, of quhat-ſum-ever eſtaite, degree, function, or condition that ever they be of, Spiritual or Temporal, in all matters, quhairin they, or ony of them ſall be apprehended, ſummound, or charged to anſwer to ſik thinges as ſall be inquired of them, be our ſaid Soveraine Lord and his Councell. And that nane of them, quhilkis ſall happen to be apprehended, called, or ſummound, to the effect foirſaid, preſume, or tak upon hand to decline the judgement of his Hienes, his aires and ſucceſſours, or their Councell in the premiſſes, under the paine of treaſon.

130. *Anent the authoritie of the three Eſtaites of Parliament.*

THE Kings Majeſtie, conſiddering the honour and the authoritie of his ſupreeme court of Parliament, continued paſt all memory of man, unto thir dayes, as conſtitute upon the frie votes of the three Eſtaites of this auncient Kingdome. Be quhom the ſame under God, hes ever bene uphalden, rebellious and traiterous ſubjectes puniſhed, the gude and faithfull preſerved, and mainteined, and the lawes and actes of Parliament (be quhilkis all men ar governed) maid and eſtabliſhed. And finding the power, dignitie, and authoritie of the ſaid Court of Parliament, of lait zeires called in ſum doubt, at leaſt ſum curiouſlie travelling to have introduced ſum innovation theiranent, his Majeſties firme-will and mind alwaies being as it is zit: That the honour, authority, and dignitie of his ſaidis three Eſtaites ſall ſtand, and continew in the awin integritie, according to the ancient, and lovabill cuſtome by-gane, without ony alteration, or diminution. Therefoir it is ſtatute, and ordained, be our ſaid Soveraine Lord, and his ſaidis three Eſtaites, in this preſent Parliament, that nane of his Lieges and ſubjectes preſume, or tak upon hand, to impugne the dignitie, and the authoritie of the ſaidis three Eſtaites, or to ſeek, or procure the innovation, or diminution of the power, and authoritie of the ſame three Eſtaites, or ony of them in time cumming, under the paine of treaſon.

131. *Ane act diſchargeing all juriſdictions, and judgements, not approoved be Parliament, and all aſſemblies, and conventiones, without our Soveraine Lordis ſpecial licence and commandement.*

FORSAMEIKLE, as in the troublous times, during thir xxiiij. zeires, by-paſt, ſindrie formes of judgements and juriſdictions, alſweill in Spiritual, as Temporal cauſes, ar entred in the practize and cuſtome, quhairby the Kingis Majeſties ſubjectes ar often-times convocat, and aſſembled togidder, and paines alſweill civile and pecunial, as Eccleſiaſtical, injoined unto them: proceſſes led, and deduced: ſentences, and decreetes given, and the ſame put in execution: Na ſik ordour as zit, being allowed of, and approved be his Majeſtie, and his three Eſtaites in Parliament, contrare the cuſtome obſerved in onie uther Chriſtian Kingdome, or weill governed commoun weill: And to the diminiſhing of the force, and power of his Hienes awin Lawes, be the quhilkis his Majeſties ſubjectes aucht to be ruled; And ſpe-

ciallie his Hienes and his Eſtaites, conſidering that in the ſaidis aſſemblies, certaine his ſubjectes have taken upon them to juſtifie, and authorize the fact perpetrat againſt his Hienes perſon and Eſtate, at *Ruthven*, and proſecuted thereafter, quhill his Majeſtie at Gods pleaſure, recovered his libertie, having in their pretended maner, maid Actes theirupon, keipis the ſame in Regiſter, and as zit ſeemis to allow the ſaid attemptat, althoucht now publicklie condemned be his Hienes and Eſtaites as treaſonable, nane of the authors theirof, having craved his Hienes pardon theirfoir. For remeid quhairof, in time cumming, ſwa that according to the lovabil act of his deareſt Grand-ſchir, King *James* the Fourth, of worthie memorie, all his Hienes lieges (being under his obeyſance) mon be ruled be his awin Lawes, and the commoun Lawes of this Realme, and be nane uther Lawes: Our Soveraine Lord, and his three Eſtaites, in this preſent Parliament, diſchargis all judgements, and juriſdictions, Spiritual or Temporal, accuſtomed to be uſed and execute, upon ony of his Hienes ſubjectes, quhilkis ar not approved be his Hienes, and his ſaidis three Eſtaites, conveened in Parliament: and decernis the ſame to ceaſe in time cumming, quhill the ordour thereof be firſt ſeene, and conſidered be his Hienes, and his ſaidis three Eſtaites conveened in Parliament, and be allowed, and ratified be them: Certifieing them, that ſall proceed in uſing, and exercing of the ſaidis judgements, and juriſdictions, or in obeying of the ſame, not being allowed, and ratified, as ſaid is: They ſall be repute, halden, called, perſewed, and puniſhed as uſurpers, and contemners of his Hienes authoritie, in exemple of utheris. And als it is ſtatute and ordained, be our ſaid Soveraine Lord, and his three Eſtaites: that nane of his Hienes ſubjectes; of quhat-ſum-ever qualitie, eſtate, or function they be of, Spiritual or Temporal, preſume or tak upon hand, to convocate, conveene, or aſſemble themſelves togidder, for halding of Councelles, Conventions, or Aſſemblies, to treat, conſult, and determinat in ony matter of Eſtaite, Civile or Eccleſiaſtical (except in the ordinar Judgements) without his Majeſties ſpecial commandement, or expreſſe licence had and obteined to that effect, under the paines ordained be the Lawes and actes of Parliament, againſt ſik as unlawfully convocatis the Kingis Lieges.

132. *The cauſes and maner of deprivation of Miniſters.*

OUR Soveraine Lord, and his three Eſtaites, aſſembled in this preſent Parliament, willing that the word of GOD ſall be preached, and Sacramentes adminiſtrat in puritie and ſinceritie: and that the rentes, quhairon the Miniſters aucht to be ſuſteined, ſall not be poſſeſſed be unworthie perſones, neglecting to do the dueties, for quhilkis they accepted their benefices, being utherwaies polluted with the fraill and enorme crimes, and vices after ſpecified. It is thereſoir ſtatute, and ordained be his Hienes, with adviſe of the ſaidis three Eſtaites: That all Perſones, Miniſters or Readers, or utheris provided to benefices, ſen his Hienes Coronation (not having vote in his Hienes Parliament) ſuſpected culpable of hereſie, Papiſtrie, fals and erroneous doctrine, commoun blaſphemie, fornication, commoun drunkennes, non-reſidence, plurality of benefices having cure, quhairunto they are provided ſen the ſaid Coronation, Simonie & dilapidation of the rentes of benefices, contrare the lait Act of Parliament, being lawfully, and ordourly called, tryed, and adjudged culpable, in the vices and cauſes abone written, or onie of them, be the ordinar Biſhoppe of the dioceſe, or utheris the Kings Majeſties commiſſioners, to be conſtitute in Eccleſiaſtical cauſes, ſall be deprived alſweill fra their function in the Miniſtrie, as from their benefices, quhilkis ſall be therby declared to be vacand, to be preſented and conferred of new, as gif the perſones poſſeſſors theirof, were naturally dead: And that it ſall be eſteemed, and judged non-reſidence, quhair the perſon being in the function of the Miniſtry, provided to ane benefice, ſen the Kings Majeſties Coronation makis not reſidence at his manſe, gif he ony hes: And failzeing thereof, at ſum uther dwelling place within the Parochin, bot remainis abſent theirfra, and from his Kirk, and uſing of his office, be the ſpace of four Sabboth dayes in the haill zeir, without lauchfull cauſe and impediment, allowed be his ordinar. And quhair onie perſon, is admitted to maa benefices, havand cure, ſen our Soveraine Lordis Coronation, the acceptation of the laſt, ſall be ſufficient cauſe of deprivation from the remanent, ſwa that he be provided to twa, or maa benefices havand cure, ſen the time of the ſaid Coronation. And nevertheleſſe this preſent Act ſall not extend to ony perſon, provided to his benefice befoir the ſaid Coronation, neither ſall the bruiking of that office, quhairunto he was provided of befoir, induce pluralitie of benefices in this caſe, bot he ſall allanerly tine his richt of the benefice, quhairunto he was provided ſen the ſaid Coronation allanerly: And union of the Kirks to ane benefice, not to be judged pluralitie, quhill farder ordour be eſtabliſhed and provided in that behalfe: Like as alſwa, the perſones being in the function of the Miniſtrie, that ſall happen to be lawfullie and ordourly convict befoir our Soveraine Lordis Juſtice generall, or utheris their Judges competent, of capital crimes, ſik as treaſon, ſlauchter, mutilation, adulterie, inceſt, thieft, commoun oppreſſion, uſurie againſt the Lawes of this Realme, perjurie, or falſed. They being likewaies lawfullie and ordourlie deprived fra their function in the Miniſtrie, be their ordinar, or the Kingis Commiſſioners in Eccleſiaſtical cauſes. The benefices poſſeſſed be the ſaidis perſones to vak, be reaſon of the ſaid conviction, and deprivation. And this to have effect and execution, onlie for crimes, vices, faultes, and offenſes, that ſall happen to be committed after the dait heirof.

133. *That*

133. *That Miniſters ſall not be Judges, nor exerce ony uther ordinar office that may abſtract them fra their office.*

THE Kingis Majeſtie, and his three Eſtaites aſſembled in this preſent Parliament, earneſtly deſirous, that all his loving and gude ſubjectes, ſall be faithfullie inſtructed in the doctrine of their ſalvation, and that the Miniſters of Gods word and Sacraments, may the better, and mair diligently attend upon their awin charges and vocation: Therefoir ſtatutis, and ordainis, that all the ſaidis Miniſters, ſall faithfullie await there-upon, to the comfort, and edification of the flockes committed unto them: And that none of them preſently being in that function, or that ſall be admitted theirto, in time cumming, ſall in ony waies accept, uſe, or adminiſtrat ony place of judicature, in quhat-ſum-ever civill, or criminal cauſes, nocht to be of the Colledge of Juſtice Commiſſioners, Advocates, Court Clerkes, or Notaris in ony matters (the making of Teſtamentes onely excepted) under the paine of deprivation fra their benefices, livinges, and function: And gif they failzie heirin, being called, tryed, and adjudged culpable, be their ordinars, or be the Kings Majeſties Commiſſioners in Eccleſiaſtical cauſes: They ſall then tine their ſaidis benefices and livinges, and uthers qualified perſones, ſall be preſented, and provided thereto, as gif they wer naturallie dead.

134. *Anent ſlanderers of the King, his Progenitours, Eſtait and Realme.*

FORSAMEIKLE, as it is underſtand, to our Soveraine Lord, and his three Eſtaites aſſembled in this preſent Parliament, quhat great harme, and inconvenient hes fallen in this Realme, chiefly ſen the beginning of the civile troubles, occurred in the time of his Hienes minoritie, throw the wicked and licencious publick and private ſpeaches, and untrew calumnies of divers his ſubjectes, to the diſdaine, contempt and reproch of his Majeſty, his Councell, and proceedings, and to the diſhonour and prejudice of his Hienes, his Parents, Progenitours, and Eſtaite: Steiring up his Hienes ſubjectes theirby to miſliking, ſedition, unquietnes, and to caſt of their dew obedience to his Majeſtie, to their evident perrell, tinſell, and deſtruction, his Hienes continuing alwaies in love and clemencie, toward all his gude ſubjectes, and maiſt willing to ſeek the ſafetie and preſervation of them all, quhilkis wilfully, needles, and upon plaine malice, after his Hienes mercy and pardon, oftimes afoir granted; hes procured themſelves, be their treaſonable deeds to be cut off, as corrupt members of this commoun weill: Therefore it is ſtatute and ordained be our Soveraine Lord, and his three Eſtaites, in this preſent Parliament, that nane of his ſubjectes (of quhat-ſum-ever function, degree, or qualitie in time cumming) ſall preſume or take upon hand privatly, or publickly, in Sermones, Declamationes, or familiar conferences, to utter ony falſe, ſlanderous, or untrew ſpeaches, to the diſdaine, reproche, and contempt of his Majeſty, his Councell, and proceedings, or to the diſhonour, hurt, or prejudice of his Hienes, his Parents, and Progenitoures, or to meddle in the affaires of his Hienes, and his Eſtaite preſent, by-gane, and in time cumming, under the paines conteined in the Actes of Parliament, againſt makers and tellers of leeſinges: Certifieing them that ſall be tryed contraveners theirof, or that hearis ſik ſlanderous ſpeaches, and reportes not the ſame with diligence, the ſaid paine ſall be execute againſt them, with all rigour, in exemple of utheris. Attoure, becauſe it is underſtand to his Hienes, and to his three Eſtaites, that the buikes of the Chronicle, and *De jure regni apud Scotos*, made be umquhile, Maiſter GEORGE BUCHANANE, and imprented ſenſine, conteinis ſindrie offenſive matters, worthie to be deleete: IT IS THEIRFORE ſtatute and ordained, that the havers of the ſaidis twa volumes in their handes, inbring, and deliver the ſame to my Lord Secretare, or his deputes, within fourtie dayes, after the publication hereof, to the effect, that the ſaidis volumes may bee peruſed, and purged of the offenſive, and extraordinarie matters ſpecified theirin, not meete to remaine as Recordes of trueth to the poſteritie, under the paine of twa hundreth pundes, of everie perſon failzieing heirin. And quhair ony ar not reſponſal to pay the ſaid ſumme, to be puniſhed in their perſones, at OUR SOVERAINE LORDIS will. And to the effect, that this ordinance may cum to the knawledge of all OUR SOVERAINE LORDIS Lieges, ordainis publication to be maid theirof, at the mercat croce of the head Burrowes of the Schires, and utheris places needefull, That nane pretend ignorance theirof: And the penaltie conteined theirin, to be executed with all rigour againſt the havers of the ſaidis buikes, the ſaid ſpace of fourty dayes being by-paſt, after the publication, and proclamation of the ſaid Act in every Schire, as ſaid is.

135. *Againſt reduction of fore-faltours for nullitie of proces, and that nane travel, nor give counſel to that effect, without ſpecial warrand of the Kingis Majeſtie, and Eſtaites in Parliament.*

THE Kingis Majeſtie remembring of the mony rebellious and treaſonable deedes, perpetrated againſt his Majeſtie, and his maiſt Noble Progenitoures, with the greater audacitie and contempt: For that they have found the fore-faltours led againſt ſum perſones, authors of the like treaſones of befoir, reduced, and taken away in the minorities of his Hienes, and of the Queene his deareſt Mother,

upon the pretenſe of ſum alledged nullities, found in the proceſſes, the principal cauſes and crimes, for quhilkis the ſame perſones were fore-falted, not being purged. For remeid of the quhilk abuſe, and that all men may the rather eſchew to incur the fearefull ſpot of treaſon to themſelves, their houſes, and poſteritie in time cumming.

IT IS ſtatute and ordained be our *Soveraine Lord*, and his three Eſtaites, in this preſent Parliament, that no proceſſes of fore-ſaltour for treaſon committed againſt the King, and his Eſtaite alreadie ſtandand in force, or that ſall happen to be deduced againſt ony perſones, for crimes of *Leſe-majeſtie*, in time cumming, ſall at ony time hereafter be reduced for ony pretended cauſe of nullitie, that may be alledged to be in the proceſſe: Quhilk firſt the cauſe and crime, for quhilk the fore-ſaltour was led, be freelie remitted to him be OUR SOVERAINE LORD: Or that he be purged effectually, and the partie tried, and found acquite theirof. Bot in caſe it ſall pleaſe his Hienes, or his Succeſſours, at ony time hereafter, to reſtore to ony fore-falted perſones, or their poſteritie: that ſall onely be granted to them be way of grace: And that na Advocates, writers, or utheris his Hienes lieges preſume, or take upon hand to travel, ſolliſt, or give counſel in contrare the ordour appoynted in this preſent Act, without ſpecial warrand of his Hienes, and his three Eſtaites in Parliament, under the paine to be repute as favourers, and partakers with traitours: And to underly the paine and puniſhment dew theirfoir.

136. *Remiſſions and reſpettes ſuld not be granted for ſlauchter and uther odious crimes: Remiſſion ſuld conteine ſatisfaction maid be the partie.*

THE Kings Majeſtie conſiddering that ſlauchters, fire-raiſings, and uthers odious crimes, hes beine ſa commounly committed, throw all partes of this Realme, and a great part of the occaſion theirof ſuppoſed to be the ready granting of his Hienes reſpettes, and remiſſiones to the committers theirof, upon in-opportune ſuittes, maid to his Majeſtie theirfoir: His Hienes remembring how greivous ſik ſlaughters, fire raiſinges, and utheris odious crimes ar in Gods ſight, and how offenſive to the Eſtate of the commoun weill of his Realme, followand the gude and lovable example of his maiſt Noble Progenitours in like caſe, at the inſtant requeſt of his three Eſtaites, aſſembled in this preſent Parliament: And for the better eſchewing of treſpaſſes, and enormities againſt the ſafetie of his Lieges, and commoun profite of his Realme, of his ſpecial grace, and favour, hes granted, and in the worde of a King promitted to cloſe his hands, and ceaſe fra gtanting of onie reſpettes, or remiſſiones, for ony maner of ſlauchters, fire-raiſing, or ony uther odious crimes, that ſall happen to be committed, for the ſpace of three zeires nixt-to-cum, after the dait hereof: That in the meane time his Realme may be put in peace and rule, and his Lieges live in ſuretie. And gif ony remiſſiones beis given or granted for auld actiones, that it ſall be exprimed and provided in the ſame: that the treſpaſſe wes committed before this preſent Parliament, and that his Hienes and his Theſaurer, hes ſene quhair the partie is aſſithed: and gif the contrare beis found, the remiſſion or reſpet to be of nane availe.

137. *An act touching the proviſion to his Hienes of a Guarde, and ſure payment of their ordinar wages.*

THE Kingis Majeſtie, and his three Eſtaites, conveened in this preſent Parliament, having conſidered how neceſſare it is to have a reaſonable number of Gentil-men to attend continuallie upon his Hienes perſon, as his guarde, hes thocht the number of fourtie perſones meet to be elected, and interteined for that effect, able, honeſt, and weill horſed, and having ſum reaſonable livinges of their awin: Quhilkis being ſworne, and admitted in his Hienes ſervice, ſall be unremoveable theirfra, during their life-times, without upon worthie and great cauſes, they ſall be juſtlie deprived. Everie ane of quhilkes fourtie perſones ſall have twa hundreth poundes zeirlie, for their interteinement, thankfullie payed to them at twa termes in the zeir, whit-ſunday, and Martine-mes in winter, be equal portiones.

Beginnand the firſt termes payment, at the feaſt of Martine-mes nixt to-cum, in this inſtant zeir of God, ane thouſand, five hundreth, fourſcoir four zeiris. And for ſuir payment of their ſaidis wages, and interteinement, that they ſall not in default theirof be compelled to neglect, or leave his Hienes ſervice, or his Majeſtie to be fruſtrat, and deſtitute of the ſamin, his Hienes nawayes willing to lay the burding of their ſaid interteinement upon his people, be ony taxation, or impoſition to be raiſed upon them, quhairof he is maiſt willing to eaſe and releeve them, bot to provide the ſaid interteinement utherwiſe. Theirfoir with adviſe of his ſaidis three Eſtaites decernis, and declairis, ſtatutis, and ordainis, That of all the Prelacies, and utheris inferiour benefices within this Realme (laick patronages excepted) now vakand, or that heirafter ſall happen to vaik, his Majeſtie and his ſucceſſoures ſall have the firſt zeires fructes, after the deceaſe, ſoirfaltour or deprivation of the laſt poſſeſſour, according as the ſame Benefice ſall be valued in his Hienes Checker, be the auditoures theirof. To quhome, or ony five of them, his Hienes givis and grantis full power, commiſſion and authoritie, to make and ſet the extent and value of all the benefices ſmall and greate within this Realme in money, according to the quhilk the ſaid firſt zeires fructes ſall be payed. And that the haill zeir after the vacance be expyred, or then the firſt zeires fruites be inſtantly payed befoir ony gift, proviſion or preſentation of the benefice bee granted. And als decernis, declairis, ſtatutis and ordainis,

That

That of every benefice, valued to ane thouſand punds be zeir, now vaikand or that ſall happen to vaik heiraſter, his Majeſtie and his ſucceſſoures ſall have freelie payed to them zeirlie ſwa hundreth pundes, beſide the ordinar thrid, at the termes of *Whit-ſunday* and *Martine-mes*, be equal portiones. And ſwa proportionally of every benefice, alſweill abone as beneath the ſaid value of ane thouſand pundes. And before onie perſone nominate to quhatſumever benefice hereafter ſall have his preſentation expede and paſt the Regiſtar or ſeales, hee ſall finde gude ſuretie for payment, alſweill of the firſt zeires fructes, as of the ſumme dew to be payed be him zeirlie, to his Hienes and his Theſaurer, in his Majeſties name, to his uſe, and effect abone ſpecified. And during the haill ſpace of the vacance of the ſaidis benefices, the ſaid Theſaurer to intromet, and uptake the haill rentes, fructes, profites and dewties thereof. Bot becauſe the ſaid firſt zeires fructes of the benefices preſently vacand, and ſummes appoynted to be payed furth of the ſame zeirly, will not ſerve nor extend preſently to the payment of the wages of his Hienes guard, his Majeſtie and his Eſtaites, conſidering of the nixt beſt helpe and proviſion, and underſtanding that the Conuentes of the Abbayes, Priories, and Nunries, quhilkis of auld wer ordained and accuſtomat to be ſuſteined upon the rentes and fructes thereof, ar for the maiſt part departed this life, ſen the zeir of God, ane thouſand, five hundreth, threeſcore zeires. Nane or few utheris preſented be his Majeſtie, being entred in their places, bot their portiones be their deathes accreſſing to the Abbotes, Priores, Commendatares or poſſeſſoures of the ſaidis Abbayes, Priories, and Nunries, be na Law, or conſtitution, zit eſtabliſhed be his Hienes and his ſaidis Eſtaites. It is therefore found, declared, ſtatute and ordained be his Hienes, and his ſaidis three Eſtaites, That as the preſentationes, giftes, and diſpoſitiones of his ſaidis prelacies perteinis to his Majeſtie be the richt, and priviledge of his Crown: Swa hes he gude richt and intereſt to crave, receive, intromet, and uptake all the portiones of the perſones of the Conuentes of the ſaidis Abbayes, Priories and Nunries that hes deceaſed, ſen the ſaid zeir of God, ane thouſand, five hundreth, threeſcore zeires. Or ſall happen to deceaſe heiraſter, quhill the ſame Abbayes, Priories, and Nunries ſall vaike & becum fullie in his Hienes handes, and diſpoſition, be deceaſe, forefaltour, or lawfull deprivation of the preſent poſſeſſours thereof. And that his Majeſtie, and his Theſaurer in his name, hes, and ſall have gude action be law to crave, receive, intromet, and uptake the portions of the perſones of the ſaidis Conventes alreadie deceaſſed, as ſaid is, of the crop, and zeir of God, ane thouſand, five hundreth, fourſcoir three zeires laſt by paſt, and in time cumming, quhill the ſaidis benefices ſall happen to vaik, ſiklike as the ſaidis perſones micht have done themſelves being on life, and that the Lords of Councell and Seſſion, or checker, direct ſik letteris at the inſtance of the ſaid Lord Theſaurer, for anſwering and obeying to him of the portions of the ſaidis perſons deceaſed, as is granted for payment of the *ſuperplus* of the thrids of benefices.

138. *Ane Act anent ſlaucbter, and troubling maid be parties in perſute, and defenſe of their actiones.*

OUR SOVERAINE LORD with adviſe, and conſent of his Hienes three Eſtaits of this preſent Parliament, hes ratified, and appreived and be the tenour hereof, ratifies and appreivis the Act and ſtatute underwritten: and decernis and declairis the ſame, to have ſtrength, force and effect of ane acte of Parliament, of the quhilk the tenour followis. At *Edinburgh* the penult day of *Maij*, the zeir of God, ane thouſand five hundreth fourſcoir three zeires. The quhilk day, in preſence of the Kingis Majeſtie, ſittand in Judgement, and Lordes of his Hienes Councell and Seſſion, compeired Maiſter *David Makgill* of *Niſbet*, Advocate to his Majeſtie, and in the name of his Hienes maiſt faithfull, humble, and obedient ſubjectes, exponed and declared, how in the Parliament halden at *Edinburgh*, the xx. day of Junij, the zeir of God 1555. zeires, be his Majeſties umquhile deareſt Guddame, *Marie* Queene Dowrier, and Regent of this Realme for the time: Ane ordinance and Act of Parliament was maid, anent the ſlauchter of parties in perſute and defenſe of their actiones: Quhilk Act, althoucht in the ſelfe maiſt profitable and neceſſarie, to have bene ane perpetuall law in all times thereafter, for repreſſing of proud and undantoned braggares, boaſters, and oppreſſours of their parties: Zit was the ſame only temporall, for the ſpace of three zeires, after the making thereof: Quhilk Act, the ſaid Advocate, in name, and for the cauſes foreſaidis, deſired to be renewed and eſtabliſhed in ane perpetuall Law in all times cumming, with the augmentationes following. Upon the quhilk deſire, our Soveraine Lord, willing to follow the gude exemple and intention of his predeceſſores, for the reverence and increaſe of Juſtice, and aſſurance of the parties in perſute, and defenſe of their actiones, and executiones of the ſame, hes with adviſe of the ſaidis Lordes of his Councell and Seſſion, ordained, decerned, and declared, that fra this day foorth, in all times cumming, gif it ſall happen either the defender or perſewer, to ſlay, or wound, to the effuſion of blude, or utherwayes to invade ane of them ane uther in ony ſort, quhair upon they may be criminally accuſed, after the raiſing of ſummounds or precepts, and lawfull execution thereof, or in ony time before the complete execution of the decreet to be given thereupon: The committer of the ſlauchter, blude, or invaſion, in maner foreſaid, or being airt, pairt, red or Councell thereof: gif it be the defender, ſall be condemned at the inſtance of the perſewer, or incaſe of his deceaſe, of the neareſt of the kin of him quha is ſlaine, wounded to the effuſion of his blude, or invaded, havand richt thereto, without ony probation of the libell perſewed, except ſummar cognition

to be tane of the ſlauchter, blude-ſched, or invaſion, before the Juſtice, or uther criminall Judge, competent thereto, be conviction, or beand fugitive and put to the horne. And gif the decreete be given, the ſame to be unreduceable for ever. And gif the perſewer ſlay, wound to the effuſion of blude, or invade the defender, as it is above written: Or be airt, pairt, red, or Councel theirof, cognition being tane, as ſaid is, in that caſe the defender, or in caſe of his deceaſe, the neareſt of his kin, able to ſucceede in that richt, ſall have abſolvitour fra the libell of the perſewer *ſimpliciter*, againſt the quhilk the perſewer, nor na uther be his richt, ſall ever be heard be way of reduction or reſtitution *in integrum*, in ony time thereafter, quhat age, condition, or qualitie that ever the ſlayer, drawer of the blude, or invader foreſaid be of. The proces of transferring in the cauſes above written *reſpective*, to be upon ane fifteene dayes warning, but diet, table, or continuation of utheris ſummondes. And gif the ſlayer, ſchedder of blude, or invader, as ſaid is, hes landes or life-rentes, and beis denunced rebell, and put to the horne, for non-finding of ſovertie, or non-comperance to underly the Law, for the ſaid ſlauchter, blude-ſched, or invaſion, in that caſe the ſlayer, ſchedder of blude, or invader, incontinent after the denunciation ſall tyne the lyfe-rent of his landes, benefice, office, and utheris rentes, and commodities quhatſumever for his lyfe-time, without ony farder delay of zeir, and day, as in uther cauſes of tinſell of lyfe-rentes, throw being zeir and daye at the horne.

Attour our Soveraine Lord, be the faith, and duetie of ane Chriſtiane Prince, promiſis to give na reſpett, nor remiſſion to the offendares in ſik cauſes. And gif his Majeſtie or his ſucceſſours dois in the contrare, (as is not beleeved) the uſing of the ſaid reſpett, or remiſſion be ony of the parties, perſewer, or defender, ſall be the like cauſe, and of the ſamin effect, as their conviction, for the cauſe abone ſpecified. And this act and ordinance to indure for the ſpace of ſeven zeires immediatlie hereafter. And to be confirmed in his Hienes nixt Parliament, to have the ſtrength, and effect of ane act thereof, and to be obſerved, as ane perpetuall Law, in time cumming.

139. *Ane Act anent the better execution of Decreetes.*

OUR SOVERAINE LORD, with adviſe and conſent of his Hienes three Eſtaites of this preſent Parliament, hes ratified and apprieved, and be the tenour hereof ratifies and appreivis the Act & ſtatute uuderwritten, and decernis, and declairis the ſamin to have the ſtrength, force, and effect of ane Act of Parliament. Of the quhilk the tenour followes. At *Edinburgh* the twentie three day of Marche, The zeir of God ane thouſand, five hundreth, fourſcoir twa zeires. The quhilk day in preſence of the Kinges Majeſtie ſittand in Judgement, and Lordes of his Hienes Councell, and Seſſion compeired Maiſter *David Makgill* of *Nisbet*, and in his awne name, as Advocat to his Majeſtie, and in name of his Hienes maiſt faithfull, humble, and obedient ſubjectes of his Realme, exponed, and declaired, how it was heavelie meaned be his Majeſties ſaides ſubjectes, that after the tedious, chargeable, and langſum perſute in obteining of their decreetes, the malice of perſones had daylie ſwa increſced, be making of ſimulat, and fals aſſignationes, of their moveable guddes, fraudfull and private alienationes of their poſſeſſiones, landes, and heritages, That the execution of all decreetes given be quhatſumever Judges, within this his Hienes Realme, althocht obteined be maiſt langſum proces, wer altogidder fruſtrat, at leaſt ſwa delayed, that parties war in na better caſe, after the obteining of the ſaides decreetes, nor gif the ſamin had not bene given, the ſaides manifeſt fraudes, and daylie invented colluſiones, being the ſtay of Juſtice, quhairof the principall parte ſtands in execution.

For remeid of the ſame, conſideration being tane be his Majeſtie, with adviſe of the Lords of his Hienes Councell and Seſſion, to quhom be his Maleſties maiſt noble Progenitors, King JAMES the Fifth of gude memory, erecter of the Colledge of Juſtice, with conſent of Parliament, the concluding upon rules, ſtatutes, and ordinances, for expedition of Juſtice was committed. Therefore his Hienes, with adviſe & conſent foreſaid, hes ſtatute and ordained, that for execution of all decreetes, aſweill given be the ſaidis Lordes, in ony time bygane, as to be given in time cumming: And ſik-like of decreetes given, or to be given, be quhat-ſumever Judges within his Majeſties Realme, quhair-unto the authoritie of the ſaidis Lordes of Seſſion hes bene, or ſall happen to be interponed: That letters alſweill of horning, as poynding, the ane nocht prejudiciall to the uther, ſall be directed at the will and pleaſure of the partie obteiner of the decreet, quhidder the ſame be given upon liquidate ſummes, or that the execution theirof utherwayes conſiſt *in facto*. And that na ſuſpenſion be granted upon the execution of the ſaidis decreetes, without reall offer be firſt maid to the partie, in quhais favoures the execution of the ſaidis decreets is directed, and the parties refuſis, ſufficiently verefied to the ſaidis Lordes, conſignation alwayes being maid, as uſe is: And that according to their late ſtatute and ordinance, quhilk his Majeſtie, with all utheris their ſtatutes and ordinances maid for expedition, and execution of Juſtice, ratified, and appreived. Providing alwayes, that conſideration be had upon the ſpace and dayes of the charges; and that according to the diſtance of the defenders dwelling places, and the quantitie of the ſummes conteined in the ſaidis decreetes.

140. *Addition to the Actes maid of before, anent the cumming to Courtes, and compeiring at the Barre, in ſober maner, in perſute and defence of criminall cauſes.*

OUR SOVERAINE LORD, and his three Eſtaites, conveened in this preſent Parliament, ratifies, and appreivis, and for his Hieneſſe and his Succeſſoures, perpetually confirmis the Act maid be King JAMES the Second, of worthie memorie, Intitulate; *That na man cum to Courtes, bot in ſober wayes:* As alſo the uther Act, maid in the Regiment of his deareſt Gud-dame MARIE, Queene Dowrier and Regent of this Realme, anent the cumming to the Barre for perſute, and defenſe in criminall cauſes, and ordainis the ſaidis Actes to be inviolablie keeped, and to be put to execution in time cumming, with this addition: That nane of his Hieneſſe Subjectes repair to Courtes, and in ſpeciall, to his Hienes Juſtice Court, or utheris Juſtices quhatſumever, for criminall cauſes, bot be ſik number and company, as the ſaidis actes providis, under the paine of incurring of the crime of convocation of our Soveraine Lordis lieges, to be execute alſweill upon the perſones, quha ſall happen to make the ſaid convocation, or quha ſall be convocate, with all rigour. And further, for reformation of the troubles and tumultes, quilkis hes fallen out, and continuallie growis be the aſſembling of our Soveraine Lordis lieges, to fortifie and aſſiſt, the perſute and defence of criminall cauſes, mooved before our Soveraine Lordis Juſtice, quhair-upon great inconvenientes hes followed, to the contempt of Juſtice, hinder of the courſe of the commoun Law, and puniſchment of offences. IT IS ſtatute and ordained, that in all time cumming, quhen onie letters ſall happen to be direct for onie crime or offenſe to ane particular diet, that the pairtie raiſers, and purcheſſares thereof, at the finding of their caution, to report the letters dewlie execute & indorſat at the day appoynted, ſall alſo finde caution to the Juſtice Clerke, and his deputes acted in the buikes of adjornall, That they ſall not enter within the Tolbuith or place, quhair the ſaide Juſtice court ſall be halden, bot accumpanied with the number of perſones ſpecified in the former Act of Parliament maid theiranent, comptand therein their preloquutores, quha allanerlie ſall remaine with them to their departing furth of the place of Juſtice, under the like paine, quhilk they wald and ſuld have incurred, in-caſe the ſaidis letteris had nocht bene reported at the day dewlie execute and indorſat. And ſik-like, that the ſaidis letters to be raiſed to particular diettes, for cauſes criminall, beare this clauſe: Commanding the officiar to charge the perſones delated and compleened upon, to finde ſikker ſovertie to the ſaid officiar executor, within ſixe dayes nixt after they be charged, that they ſall compeir the day and place conteined in the ſaidis letters, accompanied in ſober maner, with their domeſticque and houſhald ſervandes. And that in the Town of the reſorte of the ſaid Juſtice, they ſall behave themſelves in quiet maner, onely accompanied, as ſaid is: And enter in the Tol-buith, or place quhair Juſtice ſall be halden, accompanied with the number of perſones allanerly ſpecified in the former Act of Parliament, comptand therein, three preloquutores, quha ſall onely remaine with them in the ſaid Tol-buith, or place quhair Juſtice ſall be halden, quhill the Court be ended. Quhilk ſoverty ſall be taken under this condition: That gif the partie defender, utherwayes compeir or preſent himſelfe in the place of Juſtice, and be found with ony greater number, nor is before ſpecified, their ſoverties ſall be unlawed, as gif they had not compeired: And the parties defenders, quha hes found the ſaid ſovertie, ſall be adjudged fugitive fra the Law, and put to the horne, and their eſcheit in-brocht, be reaſon of the exceſſe of the ſaid number; in the ſamin maner, as gif they had not compeired. And ſik-like, quhatſumever perſones ſall be found in the ſaid Tol-buith, or place, quhair Juſtice ſall be halden, the Juſtice and his deputes for the time, ſall make record in the buikes of adjornall of their preſence, in company with ony of the pairties, attour the ſaide number appoynted. And immediatly thereafter, ſall direct his precepts to denunce the ſaidis perſones rebelles, and put them to the horne, and ordeine their movable guddes to be eſcheited and in-brocht to OUR SOVERAINE LORDIS uſe, for their contemption. And als it is ſtatute and ordained, that in all the premiſſes, the denuntiationes to be maid at the mercat-croce of the head Burgh of the ſhire, quhair the ſaid Juſtice court ſall be halden allanerly. And the proceſſe of horning regiſtrat in the buikes of adjornall, ſall be als ſufficient, as gif the ſaid denuntiation were maid at the mercat croce of the head Burgh, and as gif the ſaid proces of horning were regiſtrat in the Schireffes buikes of the Schire, quhair the perſones denunced dwellis: Notwithſtanding the Act maid of before, anent the regiſtration of horning, in the Parliament halden at *Edinburgh*, the xxiv. day of October. 1579.

141. *Anent the gage and ſtandard of Salmond, Herring and quhite-fiſh, and principall ſtaples thereof.*

ITEM, OUR SOVERAINE LORD, with adviſe of the three Eſtaites of this preſent Parliament, ratifies and appreivis, all and ſindrie Actes and ſtatutes maid be his Hienes, and his predeceſſoures, concerning the meaſure of Salmond, Herring, and quhite-fiſhe: gageing, burning, and meaſuring thereof. And to the effect the ſaidis Actes may be the better keeped, and for eſchewing of defraud of the ſaidis meaſures, and of falſe and uniuſt packing of Salmond, Herring, and quhite-fiſh, quhilk is meikle uſed be unfree-men, fiſhers and utheris ſlayers of the ſaid fiſh, to the great hurt of the free-men, Burgeſſes and Merchandes, and haill commoun weill of this Realme. Therefore it is ſtatute and ordained, that

that there be ane juſt meaſure and ſtandard for the Salmond, maid be the Burrowes, conforme to the auld Actes of Parliament, and the ſamin to remaine at the Burgh of *Aberdene*. And ſik-like, that there be ane juſt ſtandard and meaſure for Herring and quhite-fiſh, quhilk ſall be burnt, and remaine in the keeping of the Proveſt and Baillies of *Edinburgh*. And that all Salmond trees, Herring trees, and quhite-fiſh trees, univerſallie throw this Realme, ſall be of the gage and meaſure fore-ſaid. And that ilk Burgh ſall receive ane patrone and meaſure of the gage foreſaid, and ſall cauſe the Coupperes within their bounds, make their trees conforme to the ſaid meaſure, and the ſame to be burnt be the Town Iron, and Couppers Iron on baith the endes, and upon the ſteppe, beſide the bung. And in-caſe ony Salmond, Herring, or quhite-fiſh, be packed in utheris trees, nor of the juſt gage fore-ſaid, burnt and marked, as ſaid is, the ſamin ſall be eſcheit to our Soveraine Lord. And ordainis the principall ſtaple of Salmond fra *Dee* north, to be at the Burghes of *Aberdene* and *Elgine:* and the principall ſtaple of Herring, and quhite-fiſh, ſlaine be the inhabitantes within the water of *Forth*, to be in *Leith*, within the priviledge and freedome of the Burgh of *Edinburgh*, and within the port and haven of *Carraill*. And the ſtaple of Salmond, Herring and quhite-fiſh, ſlaine be North *Fiffis-nes*, to the water of *Dee*, to be at *Dundie*, or *Perth*. And that the ſaidis Proveſt & Baillies of *Edinburgh*, *Aberdene*, *Carraill*, *Elgine*, *Perth*, and *Dundie*, ſall appoynt ane diſcreet man to be viſitour, wracker, gager, and burner of the ſaidis trees, and appoynt to him ane reaſonable dutie of ilke laſt thereof, for his laboures. That all unfree-men, fiſchers, and ſlayers of herring and quhite-fiſhe, dwelland within the boundes of the water of *Forth*, on baith the ſides, to the water mouth of *Tay*, bring their Herring and quhite-fiſh to be ſlaine be them in time cumming, to the portes of *Leith* or *Carraill*, and at Weſt-ſide, to *Aire*, and *Dumbertane*, dividand the boundes betuixt at the *Clochſtane:* there to be gaged, marked, and ſauld to the free Burgeſſes of this Realme. And that na fiſhers, or utheris unfree-men, ſell their ſaid Herring, and quhite-fiſh to ony ſtrangers or unfree-men, or carrie the ſamin furth of this Realme to ony uther cuntries, to be ſauld be themſelves, under the paine of eſcheitting of all their moveable guddes: The ane halfe to our Soveraine Lordis uſe, and the uther halfe to the Burrowes, quha ſall convict them, be vertew of their Commiſſiones.

142. *For explication of the Act maid befoire, for puniſhment to rebelles, contempnandly remainand at the Horne.*

FORSAMEIKLE as in the Parliament halden at *Edinburgh*, the xx. day of October, the zeir of God, 1579. zeires: There was ane ſtatute maid for puniſhment of Rebelles, contemnandly remainand at the Horne: In the quhilk it was ordained, that all horninges execute before the dait of the ſaid Act, within xv. dayes after the publication thereof, and all hornings to be execute thereafter, within xv. dayes after the denuntiation, ſuld be deuly regiſtred in the Schireffe Clerkes buikes of the Schiref-dome, quhair the ſaid denunciation is maid, marked and ſigned be the Schireffe Clerk, and delivered againe to the partie, with expreſſe proviſion conteined in the ſaid Act, that hornings not regiſtrat, after the forme and tenour thereof, ſuld make na faith, nor be of ony force nor effect, as the ſaid Act at mair length proportis. Be the generalitie quhairof, ſindrie doubtes arriſand: It was proponed, to our ſaid Soveraine Lord, and deſired to be declared, be his three Eſtaites in Parliament, gif the proviſion of nullitie of horning therein conteined, for none-regiſtration thereof, according to the forme preſcribed in the ſaid firſt Act, ſuld have place in horninges, execute at the inſtance of ane perſon deceaſed lang before the making of the ſaid Act, quhair the perſon denunced was alſwa departed this life, before the making of the ſame: The purcheſſer of the letters of Horning beand donatour to the eſcheit, and the gift of the ſaide eſcheit, having taken full effect in the donatours perſon lang of before, and therethrow the donatour, and the purcheſſer of the letters, being ſatiſfied of his debt, and the rebell puniſhed, and departed this life, before the ſaid ſtatute, quhilk culd na wayes be extended to the perſones quhilkis were deceaſed, before the making thereof, and quhilkis were puniſched for their ſaid rebellion. The Kingis Majeſty, with the adviſe of the ſaidis three Eſtaites of Parliament, beand ripelie adviſed therewith, hes declared and declaris, that the ſaid Act of Parliament, is not, nor ſall not be hereafter extended to ſik horninges, as were execute at the inſtance of ony perſon departed this life, before the dait thereof, againſt the rebell quha deceaſed before the date of the ſaid Act. And ſpeciallie quhair the eſcheit falling be the ſaid horning, was diſponed, and the donatour had intrometted with the guddes, takkes, and poſſeſſiones, conteined within his gift: Bot that the ſaid horning, in the cauſe foreſaid, albeit the ſame be not regiſtred, hes bene, and ſall be, in all time cumming, of full force and effect. Like as alſwa our Soveraine Lord, and the three Eſtaites foreſaidis declaris, that all letters of horning, dewly execute and indorſat, for non-compeiring to underly the Law, or for not finding of ſovertie to that effect, reported to the Juſtice Clerk, and his deputes, as uſe is, hes bene, and ſall be als ſufficient, as gif the ſame were regiſtred in the Schireffes buikes, quhair the ſaidis rebelles were denunced. And that it ſall be ſufficient that the hornings within Stewartries and Regalities, be regiſtrat within the buikes thereof, and that hornings execute upon perſones, for their non-comperance to beare witnes, ſall neede na regiſtration.

FINIS.

ANE

ANE TABLE

Of the

PARTICULAR ACTES and uthers, maid be KING JAMES the Sext, in this aucht Parliament, 22. of Maij. 1584. not imprinted.

1 *RAtification of the declaratoure touching the proceedings againſt the King at* Ruthven.
2 *Ratification of the proſecution and puniſhment of the ſaid Rebellion.*
3 *Act annulling certaine alienationes and diſpoſitiones, maid in prejudice of the King.*
4 *The conſtitution of certaine the Kingis Majeſties Officiares of the Eſtaite.*
5 *Commiſſion anent the Miniſters ſtipendes.*
6 *Ratification of the Kingis Majeſties lait revocation.*
7 *Reformation of the Colledge of Juſtice.*
8 *Approbation of the lait lay-money.*
9 *Anent ane new cuinzie of Gold.*
10 *Ratification of certaine infeſtments granted to Sir* John Maitland *of* Thirleſtane *Knicht.*
11 *Ratification of Freer-landes and annuales of* Aberdene, *to the Hoſpitall thereof.*
12 *Revocation of landes perteining to umquhile* William Maitland *of* Lethingtoun.
13 *Ratification of the infeſtment maid to* Andrew *Lord* Ding-well.
14 *Commiſſion granted to* Colonell William Stewart.

FINIS.

THE NINTH PARLIAMENT,

Halden at Edinburgh *the XXII. daie of Auguſt, the zeir of God, 1584. zeires. Be the richt Excellent, richt heigh and meichtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with adviſe of his Eſtaites.*

1. *Prelacies may not be given, bot be the poſſeſſours deceaſſe, fore-faltor, or ſimple reſignation with reſervation of his life-rent.*

IT IS Statute and ordained, be our SOVERAINE LORDE, and the three Eſtaites, that all giftes, proviſiones, and diſpoſitiones of Succeſſours of Prelacies, Abbacies, Priories, and Nunneries, maid and granted be his Hienes, to quhat-ſumever perſones, his Hienes ſubjectes, upon the reſignations or dimiſſions, of the poſſeſſoures of the ſame Abbacies, Priories, and titulares of the ſame with reſervation of their awin life-rentes, are and ſall be of nane availe, ſtrength, force nor effect, with all that hes followed, or ſall happen to follow there-upon, without farther proces: And that na gift or proviſion of ony ſik Prelacie, ſall be vailzeable in ony time to cum: except it ſall vaike be deceaſe, fore-faltour, or ſimple diſmiſſion of the poſſeſſour thereof, and na utherwayes, without prejudice alwayes of the life-renters, and preſent uſu-fructuares.

2. *Poſſeſſion be the ſpace of five zeires, is ſufficient to the King, or his Donatour, of landes, takkes, teyndes, cum in his handes, be fore-faltour.*

FORSAMEIKLE As be the commoun Law of this Realme, the lands and heritages of all perſones convict of treaſon, halden immediatly of our Soveraine Lord, ar adjudged to perteine to his Hienes, & to returne as propertie to his Crown: And als his Hienes, hes richt and power to diſpone quhat-ſumever uther landes and heritages, perteining to the perſones convict of leſe-majeſtie, quhilkis ar immediatly halden of ony of his ſubjectes, be preſentation of ane heritable tennent, to the Over-lord. And in like maner hes richt and title to all takkes and poſſeſſiones of teindes and landes, bruiked be the ſaidis perſones before their conviction: and as the crimes of treaſon growis within this Realme: Sua the fraudefull inventiones, to the hurt and prejudice of our ſaid Soveraine Lordis Eſtaite, daily mair and mair increaſis, be abſtracting of the evidentes, infeſtmentes, and ſeaſinges of the lands and heritages, takkes, and utheris richtes, appertеining to the perſones quhilkis ar convict and fore-falted for leſe-majeſtie: Tending thereby to draw our Soveraine Lord and his Succeſſours, and the perſones to quhom the ſaidis landes and heritages foreſaidis, ar, and ſall be hereafter diſponed, in queſtion of their heritable richtes, and titles of their rowmes and poſſeſſiones, nocht having in their handes the evidentes of the ſaidis perſones convict, or to be convict, as ſaid is. For remeid quhairof: It is ſtatute and ordained be our ſaid Soveraine Lord, and the three Eſtaites of this preſent Parliament, that all Lands, Lordſhippes, Barronnies, Annual-rentes, milnes, multures, fiſchinges, tennentes, tennandries & ſervice of free tennentes, and utheris heritages quhat-ſumever, quhilks have bene, or hereafter ſall be, peaceablie bruiked, and poſſeſſed be quhat-ſumever perſones forfalted, or that hereafter ſall be fore-falted for crimes of treaſon and leſe-majeſtie, committed, or that hereafter ſall be committed againſt his Hieneſſe and his Succeſſoures: Or be them to quhom our Soveraine Lord and his Succeſſoures ſuld ſucceede, be reaſon of the fore-faltour of their neareſt aires: as their heritage, be labouring the ſame with their awin guddes, ſetting the ſame to tennentes, and up-liſting of the mailles thereof, as their heritage: And ſwa repute, halden and eſteemed heritable poſſeſſours thereof, be the ſpace of five zeires, immediatly preceeding the proces and ſentence of fore-faltour, led, or to be led againſt them, or be the ſpace of five zeires, immediatly preceeding the deceaſe of the perſones, to quhom our ſaid Soveraine Lord, ſuld, or may ſucceede, as aire throw the fore-faltour, led, or to be led againſt their neareſt aires: That all and ſindrie the ſaidis Landes, Lord-ſhippes, Barronnies, annual-rentes, tennentes, tennendries, and ſervice of free-tennentes, milnes, multures, fiſhinges, and utheris heritages, quhat-ſumever, hes appertained, and ſall appertaine to our ſaid Soveraine Lord and his Succeſſoures, hes becummin, and ſall becum in their handes, as eſcheit, to be diſponed and uſed be them, as their propertie, in all times cumming. Swa that hereafter, na queſtion ſall be mooved to his Hienes and his Succeſſoures, nor zit to the perſons quhilks have alreadie obteined, or hereafter ſall obteine, heritable richt of the ſaidis Landes, Lordſhippes, annual-rentes, and uthers above ſpecified, be their diſpoſition. Notwithſtanding, that they be not able to ſchaw, nor produce in Judgement, the heritable richt and title thereof: Or contractes, renunciationes, and utheris ſecurities maid there-anent, to the perſones fore-falted, or to be fore-falted,

as ſaid is, or their predeceſſoures. And to the effect that the ſaid five zeires poſſeſſion of the ſaidis perſones, as heritable poſſeſſours, may be ſufficiently verified and prooved, our ſaid SOVERAINE LORDE, and his Succeſſoures, ſall, at all times needefull and convenient, at the inſtance of his Advocate, or quhat utheris his Lieges, having intereſt, direct commiſſiones under the teſtimoniall of the great Seale, in dew and competent forme, makand ſik perſones as his Hienes, be the adviſe of the Lordes of his ſecreet Councell, ſall finde maiſt meete and expedient his Schireffes in that part, to tak cognition be ane condigne aſſiſe, of the Schirefdomes quhair the lands lies, or utheris leaſt ſuſpected, quha beſt knawis the veritie, quhat Landes, Lord-ſhippes, and quhat heritages war bruiked and poſſeſſed be the ſaidis perſones convict or to be convicted of treaſon, and war bruiked be them in maner foreſaid, as heritable poſſeſſoures thereof. Sa commounlie halden, repute and eſteemed, be the ſpace of the ſaidis five zeires, immediatelie preceeding the proceſſe and ſentence of forefaltour led, and to be led againſt them, quhilkes ar or ſall happen to be heiraſter convicted of treaſon, as ſaid is. And quhat Lands war bruiked be the perſonis, to quhome OUR SOVERAINE LORD and his Succeſſours, may or ſuld ſucceede as aires through forefaltour led, or to be led againſt them for treaſon, as ſaid is. And to call all parties havand or pretendand intereſt. Quhilks perſons of Aſſiſe, ſall give their finall determination thereupon before the Judge: quha ſall interpone his decreete and authoritie thereto. And thereafter ſall retoure the ſame to his Hienes Chancellarie, under the ſealles of the ſaidis aſſiſe, quhair the ſame ſall remaine, *ad perpetuam rei memoriam.* And ſall in all times thereafter make als full faith in Judgement, as outwith: and be of als great ſtrength, force and effect, to OUR SOVERAINE LORD, and his Succeſſours, and utheris havand richt, be their diſpoſition, for bruiking of the ſaidis Landes, Lordſhippes, heritages and annual-rentes, as gif the heritable infeftments, charters and ſeaſinges thereof, maid to the ſaidis perſones forefalted, or to be forefalted, as ſaid is, or their predeceſſours, war ſchawen & produced in Judgemente. And as concerning takkes and poſſeſſiones of lands and teindes, bruiked and poſſeſſed be the ſaidis perſones fore-falted: or the perſones to quhome our ſaid Soveraine Lord, and his Succeſſours ſulde or may ſucceede, as aires throw forefaltour led, or to be led againſt their narreſt aires: It is ſtatute and ordained that letters be directed, be deliverance of the Lords of his Hienes ſecreet Councell, at the inſtance of his Hienes Comptroller, Or ſik as hes obteined, or that ſall happen to obteine, be OUR SOVERAINE LORDIS gift, the richt of the ſaidis takkes and poſſeſſiones, Chargeing the poſſeſſours of the ſaidis lands and teinds, to enter the ſaide Comptroller or Donatour thereto: To be peaceablie poſſeſſed and bruiked be them: ay and quhill thay be lauchfullie called, and ordourlie put theirfra be the Law, within ten dayes nixt after the charge, under the paine of rebellion and putting of them to the Horne: And gif thay failzie therein, The ſaidis ten dayes being by-paſt; To denunce them rebelles, and eſcheit all their mooveable guddes to his Hienes uſe. And that they ſall not be altered, heichted in maill or dewtie, or remooved fra the ſaidis takkes or poſſeſſiones of Landes, or teinds, for the ſaid ſpace of five zeires. That in the meane tyme thay maie have time and commoditie to ſearch and ſeek out the takkes, richtes, titles and proviſiones of them, quhom of their richt, and ſecuritie proceedis: and quhais place they ſucceede unto, be forefaltour and eſcheit, as ſaid is. Quhairby they may mainteine and defend their richt or poſſeſſion of the landes or teindes acquired, as ſaid is. And that alwayes the fruites of the ſaidis landes, rowmes and poſſeſſiones, for the ſaid ſpace of five zeires, ſall apperteine and remaine with our ſaid Soveraine Lord, & his donatour for ever. And becauſe his Majeſtie & his donatoures may be greatly defrauded: As alſo vaſſalles & ſubvaſſalles to fewars hurt, through the abſenting and abſtracting of the evidentes & rightes of the perſons foreſalted: Sum pretending to claime annuall-rents, and few dewties of landes, fallen in fore-faltour, of many zeires preceeding: Quhilkis probablely ar taken away be poſteriour richtes or diſcharges, conſiled or abſtracted be the ſaid perſones fore-falted. Therefore it is ſtatute and ordained, be our ſaid Soveraine Lord, and his three Eſtaites: That na perſon preſented be our Soveraine Lord, to few-landes fore-falted, nor ony vaſſall of ony fewer fore-falted, ſall be compelled to produce the acquittances of few mailles, or annuall-rentes, of their fore-falted landes, of ony zeires preceeding the fore-faltour of his immediat ſuperiour: Nor zit of ony zeires ſen the ſaid landes come in his Hienes hands, be reaſon of the fore-faltour: notwithſtanding, ony clauſe irritant, conteined in the infeftmentes, or titles of the fore-falted perſones, quhilkis were obſcure to the perſones preſented be his Hienes, and ſub-vaſſalles foreſaidis: They alwayes payand the ſaidis annuall-rentes, or few dewties for the time to-cum, how ſoone it ſall be verified, that the landes were ſa obliſhed be the infeftmentes of the ſaidis perſones fore-falted, abſtracted, as ſaid is.

3. *In cauſes of double poynding, the pairtie quha is lauchfullie ſummoned, and compeiris not, ſall not be hearde in the ſecond inſtance.*

FORSAMEIKLE As complaint being mooved, at the inſtance of tennentes of landes, againſt divers parties, be quhom they ar charged, poynded and diſtreinzed, for their mailles and dewties: And of the parties compleined upon compeirand, and ſchawand their richts and titles of the landes: and the uther being lauchfullie ſummound, and not compeirand, the partie compeirand, is ordained to be anſwered and obeyed of the mailles and dewties of the landes, being in queſtion, according to his richt and title then ſchawen and produced: Not *ſimpliciter*, but with this limitation, for oucht that the Lordes of Councell or uther Judges ordinaris, before quhome the ſaide action dependis, had ſeene. And the uther par-

tie lauchfullie ſummoned, and not compeirand, is likewiſe decerned, to deſiſt and ceaſe fra all farder moleſtation, or troubling of the ſaidis tennentes, for oucht that the ſaidis Lordes then had ſeene. Be the quhilk decreete, the parties compeirand, hes undoubted richt to the mailles and deuties of the landes, ay, and quhill he be warned at the inſtance of the uther party, and better richt ſchawen. And becauſe mony zeires, after the giving of the ſame decreet, the partie quha was lauchfully ſummoned, and be contumacie was abſent, hes intended action for reduction of the ſaid decreete, from the beginning: And conſequently, for compelling of the partie obteiner thereof, to rander and reſtore the haill profites of the landes, intromerted with be him, of mony zeires, expreſſe againſt the proviſion of the commoun Law, and gude reaſon: That he quha compeiris and obeyis the Judge, ſall be in worſe caſe, nor he quha contemned the Judgement, and abſentis him there-fra. For remeid quhairof, It is ſtatute and ordained, that quhair-ever the partie not compeirand, is lauchfullie ſummoned, and ſchewis nocht richt, he ſall not be heard to retreat and reduce the ſaid decreete, nor zit ſall be reſtored againe to the ſame: Except he have an neceſſary cauſe of his abſence, & nocht compeirance quhen he was ſummound, not zit ſall have ony action for the by-run profites, intrometted with, be the obteiner of the decreete, fra the obteining thereof. And he quha obteinis the ſaid decreete, ſall onely be obliſhed to anſwer the uther partie compleinand in the ſecund inſtance, according to the richt, quhilk is then competent in his perſon, & quhilk he ſall ſchaw and produce valziable to bruik, at the time of his complaint and ſute, and na utherwayes. And that this ordour be keeped & obſerved, before the Lords of Seſſion, & uther Judges, as effeiris, nocht only in all ſik queſtions, as may occurre hereafter: But als in all matters of the like ſort, by-gane intended, or to be intended, dependant and undecided before the ſaidis Lords of Seſſion, and uther Judges ordinar. It is alwayes provided, that gif the partie called, and not compeirand, in the firſt inſtance be *minor*, and have tutours and curators, he ſall have his action for his damnage and intereſt ſuſteined be him, throw his non-compeirance, againſt his tutours and curatours allanerly. And gif the perſone being *minor*, having na tutour nor curatours, ſall have their remeid to be reſtored in *integrum*, as accordis of the Law, upon reaſonable cauſe proponed to that effect.

4. *Writtes ordained to be regiſtrat, neceſſarly ſuld nocht be ſealed. Inſtrumentes of ſeaſing ar valide, albeit they be nocht ſubſcribed be twa Notares.*

THE Kingis Majeſtie, with adviſe of the three Eſtaites of this preſent Parliament, exponis and declaris, that the act anent the ſealing of writtes of importance, is nocht to be underſtand of ſik writtes, contractes, or obligations, as ar be the parties agreed upon, to be regiſtrat in the buikes of our Soveraine Lord's Councell: or uther ordinar Judges, ſeeing the parties conſents to regiſtrat the ſame. Quhilk is ane greater ſolemne Act, nor the ſealling thereof. And that the non-ſealing of the ſame, ſall be na exception againſt the validitie of the ſaidis writtes, being ſubſcribed be the parties, and agreed on, to be regiſtrar, as ſaid is. Quhilkis his Majeſtie and Eſtaites foreſaidis, decernis to neede na ſealles. Neither that the ſaid act, anent the ſaidis writtes, to be ſubſcribed be twa Notaris, ſall be extended to inſtrumentes of ſeaſing, quhair-unto ane faithfull Notar, with ane reaſonable number of honeſt and famous witneſſes is ſufficient. And this declaration to be obſerved as ane Law, in all times cumming.

5. *The eaters of fleſh in forbidden times, ſuld be puniſched be eſcheitting of their guddes.*

IT IS ſtatute and ordained be our Soveraine Lord, with adviſe of his three Eſtaites, that na maner of perſon nor perſons his ſubjectes, of quhat Eſtaite, degree or condition that ever they be of, ſall preſume or tak upon hand, to eate ony manér of fleſh in time cumming, on Wedniſ-day, Friday, or Setterday, or in the time of *Lentron*, under the paine of confiſcation of all their moveable guddes to our Soveraine Lords uſe, & that his Majeſties Theſaurer, cauſe inquire, ſearch and ſeeke, the contravenares of this preſent act, call & accuſe them therefore: And they being convict, to arreiſt and uplift the ſaid paine upon them, with all rigeur, in exemple of utheris.

6. *Diſſolution of annexed landes.*

FORSAMEIKLE As in auncient times, our Soveraine Lordis maiſt Noble Progenitoures, with conſent of the three Eſtaites of Parliament, have judged it maiſt convenient for the weill of the Realme, that every Free-halder, Spirituall and Temporall, ſuld ſett their landes in few: And that our ſaid Soveraine Lordis Predeceſſoures, of maiſt noble memorie, being for the time, be ſetting of their landes, alſweill annexed, as un-annexed in few-ferme, ſuld give exemple to his free-halders to do the like. And to that effect in diverſe Parliamentes, halden in the dayes of our Soveraine Lordis Progenitoures foreſaidis, The annexation and union of landes to the Crown, were diſſolved, and now our Soveraine Lord, following and the tread of his ſaidis Predeceſſoures, for the great deſire quhilk his Hienes hes, that policie ſuld increaſe within his Realme, hes be the adviſe of his ſaidis three Eſtaites in Parliament, diſſolved, and be the tenour of thir preſentes diſſolvis, the union and annexation, of quhat-ſumever Landes. Lord-ſchippes, Barronnies, milnes, miltures, fiſchinges, maid to the Crown, in this Parliament halden in his awin time, or in the dayes of quhat-ſumever his Hienes maiſt Noble Progenitours: To the effect that the ſamin

Landes,

Landes, Lord-ſhippes, Barronnies, milnes, multures and fiſchinges, with their pertinentes, may be ſet in few-ferme be his Hienes, with adviſe of his Comptroller preſent, or to cum, to quhat-ſum-ever perſon or perſones his Hienes pleaſis. And our ſaid Soveraine Lord and the three Eſtaites of this preſent Parliament, be the tenour hereof, declaris, decernis, and ordainis, that this preſent diſſolution ſall ſtand, and be of full force, for his Hienes life-time: Swa that the Landes, Lordſhippes and Barronnies quhilk his Hienes ſall ſet in few-ferme, in his awin time, ſall be ſure and vailzeable to the perſones receivers theirof, their aires and Succeſſoures for ever: and that the annexations of landes, Lordſhippes and Barronnies, maid in ony time preceeding, ſa far as ſall concerne the landes, Lordſhippes and Barronnies, quhilk ſall not happen to be ſet in few-ferme, in his Hienes awin time, ſall after his deceaſe, returne to the awin nature, after the forme of the diſſolutiones maid before, in the time of his maiſt Noble Progenitoures. Providing alwaies, that the ſaidis infeftments of few-ferme, be not maid within the juſt availe, to the prejudice and hurt of our Soveraine Lord, and his ſucceſſoures: That is to ſay, within the dewtie, to the quhilkis the ſaidis landes ar retoured, or may be juſtly retoured, for the new extent. Quhilk new extent his Hienes, with adviſe foreſaid, declaris to be the juſt availe of the ſaidis landes, for the quhilk the ſamin may be ſet in few-ferme. Providing alwaies, that this preſent diſſolution, ſall not be extended to the landes of *Ruthven*, *Erskene*, and utheris, the Erle of *Angus* his landes, conteined in the Kingis Majeſties Signatour. Bot the ſamin ſall remaine with the Kingis Majeſtie, and his Hienes Succeſſours, to be uſed, occupied, and intrometted with, be his Majeſties Comptrolleres preſent, and that ſall happen to be for the time in ſik ſort, and in the ſamin maner as the ſaidis landes were uſed be the Lords, and proprietaris theirof, afore their fore-ſaltoures: Neither ſall it be leſum to ony his Majeſties ſubjectes, to purchaſe few, takke or rental of the ſamin, or ony uther cullour of richt; Quhairby they may pretend to interpone themſelves betuixt his Hienes Comptrollers, and the tennentes, labourers of the landes foirſaidis, quhilkis fewes, takkes, rentalles, or uther quhat-ſum-ever alreadie purchaſed, or to be purchaſed, contrair to the tenour of this preſent proviſion. The Kings Majeſtie with adviſe of his Hienes three Eſtaites foreſaidis, declaris to have bene, and to be null of the Law in ſik-like, in all time cumming.

7. *All Kirk-landes ſet in few-ferme ſuld be confirmed.*

FORSAMEIKLE as it being conſiddered be our Soveraine Lord, and the three Eſtaites in this preſent Parliament: That albeit of before, it hes bene ſtatute and ordained, be ſindrie actes of Parliament, and ordinances of ſecreet Councell, with letters of publication paſt there-upon: That all fewes of Kirk-landes, and lang takkes ſet or maid, ſen the 8. day of *March*, the zeir of God, 1558. zeires, ſuld be confirmed be the Kingis Majeſty: and that utherwayis the ſame ſuld be null, and be diſcuſſed be way of exception: And for the ſecuritie thereof, that all perſons that had ſignatour of confirmation paſt, lyand in the Theſaurers hand, ſuld cum and pay the compoſition; and utheris that were not zit agreed, ſuld cum and make their compoſition, and expeede their confirmation, within the time and diet appoynted to them thereto. Not the les ane great number not only delaies, but rather as appearis contemnis the ſame, and dois na diligence therein. As alſwa it is conſiddered, be our ſaid Soveraine Lord, and the three Eſtaites in this preſent Parliament, that mony uther fewes, ſet of before of Kirk-landes, before the ſaid 8. day of *March*, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, quhilk be the ordour then obſerved, ſuld have bene confirmed, ather be the King, or be the *Pape*, were nather then confirmed be that ordour, nor zit be na uther dew ordour, ſenſine. Therefore it is declared, ſtatute and ordained, that all the ſaidis fewes of Kirk-landes, alſweill ſett of auld, before the 8. day of *March*, the zeir of God, 1558. zeires, as ſenſine: quhilks ar as zit unconfirmed, ſall be brocht in and preſented to our Soveraine Lordis Theſaurer, and his depute, betuixt and the firſt day of *September*, the zeir of God, 1585. zeires, and aggried with them for the confirmation thereof, and the ſamin confirmation to be expede and paſt, but ony delay thereafter. Providing alwaies that the auld poſſeſſoures ſall not be prejudged be this act, and ſall have their confirmations, for payement of the 4. maill, and the termorares for doubling of their ferme, And that the land be not evicted from them, nor diſponed to ony uther, they offering for confirmation, as ſaid is. And ſeeking the ſamin within zeir and day, after the publication of this act, utherwaies to pay 8. mailles or three fermes. And utherwaies, that all the ſaidis fewes, alſweill of auld as of new, not being confirmed, ſall have na effect, force nor ſtrength in judgement, or out-with, in ony time cumming. And ſall be repelled and diſcuſſed, be way of exception, before quhat-ſum-ever Judge they ſall happen to be uſed and produced. And ſik-like, that it ſall be leſum to our ſaid Soveraine Lord, gif it ſall pleaſe his Majeſtie to perſew be his Hienes Advocate in his name, reduction of all the ſaidis infeftments of few, of auld or of new, ſen the time foreſaid, or ſall happen to be ſet hereafter in ony time cumming, not being confirmed, as ſaid is: that the ſamin ſall be reduceable, for the only reaſon and cauſe of non-confirmation thereof. And that the haill lands ſall fall in our ſaid Soveraine Lordis hands and his Succeſſours, to be uſed and diſponed be his Hienes, as he ſall thinke expedient in time cumming.

8. *Anent money and victual, assigned to the keeping of the Castles of* Edinburgh, Dumbertane, Striviling *and* Blacknes.

FORSAMEIKLE As the Castles of *Edinburgh*, *Dumbertane*, *Striviling* and *Blacknes*, being four of the chiefe strengthes of this Realme, maist necessar to be keeped, alswell for OUR SOVERAINE LORDIS service, as his residence within the samin, at times convenient: as for the guard and keeping of prisoners and wardoures, charged for their offenses, to remaine within the samin. Quhilk Castles cannot be safely keeped to his Majesties behoove, and weil-fare of his Realme, bot be his subjectes and servandes, of sik fame, lautie and credite, as his Hienes esteemis woorthie to discarge their dewtie in that behalfe: Quha ar never able to do the samin, but sufficient rent and living, quhairupon the persones, continually attending upon the said charge and service, may be mainteined. Therefore our Soveraine Lord, with advise and consent of the three Estaites of this present Parliament, hes statute and ordained, and be the tenour hereof, statutis and ordainis, that all the money and victual assigned, given befoir for keeping of the saidis Castles: And quhairof the Captaines and keepers of the samin *respective*, have bene in possession, be the space of 5. zeires, preceeding the dait of thir presentis, sall in time cumming, remaine and abide, with the Captaines and keepers thereof, for susteining of the charges of their offices: That is to say, to the said Castle of *Edinburgh*, twelfe hnndreth markes, to be payed monethlie, foorth of the customes of the Trone of *Edinburgh*, and foorth of the *superplus* of the thrides of benefices: The haill thrid of the quheite of the Arch-bischopprick of *Saint-Andrewes*, seven chalder, twa bolles, three firlottes, ane peck. The rest of the thrid of the quheite of the Abbaie of *Scone*, three bolles: the haill thrid of the quheite of the Priorie of *Charter-house*, twa chalder, five bolles, iij. part boll. The haill thrid of the quheit of *Lundoris* three chalder, four bolles, iij. firlottes, three peckes. The haill thrid of the quheit of the Kirke of *Mony-fuith*, ane chalder, three bolles, thrid pairt boll. Out of the thrid of the beir of the Arch-bischopprick of *Saint-Andrewes* aucht chalders, five bolles, thrid part peck. Of the thrid of the beir of the Abbay of *Scone*, ane chalder, twa bolles, ane firlot, twa parte peck. Out of the thrid of the beir of the Priorie of *Charter-house*, three chalders, three bolles, ane peck, thrid part peck. Out of the thrid of the beir of the Abbay of *Lundoris*, saxe chalders, nine bolles, ane firlot: Out of the thrid of the Beir of the Abbay of *Aberbrothok*, ane chalder, nine bolles, three firlottes, twa part peck. Out of the thrid of the Beir of the Bischopprick of *Dunkeld*, four chalder, xiij. bolles, thrid part boll. The thrid of the meale of the Arch-bischopprick of *Saint-Andrewes*, four bolles. Out of the thrid of the meale of the Abbay of *Scone*, xj. bolles, ane firlot. The haill thrid of the meale of the Priory of *Charter-house*, twa parte boll. Out of the thrid of the meale of the Abbay of *Lundoris*, four chalders, xj. bolles, three firlottes, twa peckes: Out of the thrid of the meale of the Bischopprick of *Dunkeld*, four chalders. The thrid of the peeis and beanes of the Arch-bischopprick of *Saint-Andrewes*, ane boll, thrid part boll. To the Castle of *Dunbertane*, the mailles, fermes, profites and dewties of the landes of *Cardrosse* and meikle *Cumray*. The pension of the ferme meale of *Kirk-Patrick*. The Customes of *Dunbertane*, & five hundreth and fiftie markes, out of the *super-plus* the of thrides of benefices. To the Castle of *Striviling*, the few mailles of the Lord-shippes of *Striviling* schire, *Menteith*, *Brechin* and *Nevar*. To the said Castle of *Blacknes*, the money and victualles of the Lord-shippe of *Linlithcow-schire*, according to the gift maid thereanent. And gif ony part of the money and victual, before assigned to the keeping of the foresaidis Castles, and quhairof the keepers and Captaines, for their service, hes bene in possession, allowed in our Soveraine Lords Checker, be the said space of five zeires last by-past; be disponed, given and assigned, or hereafter sall happen to be disponed, given and assigned, to quhat-sum-ever uther person or persones, for times lang or shorte: except to the saidis Captaines and keepers now present, or quhilk sall happen to be for the time: OUR said SOVERAINE LORDE, be advise and consent foresaid, revokis, annullis, and dischargis the same, and als decernis and declaris, that the saidis gifts, assignationes and dispositiones, quhat-sum-ever maid contrare the tenour of this Acte, ay, and in all times cumming, sall be of nane availe, force nor effect, with all that may follow thereupon.

9. *Confirmation of the Act maid anent forbidden guddes.*

OUR SOVERAINE LORD, with advise of his three Estaites conveened in this present Parliament, Ratifies and appreevis for his Hienes and his Successoures, perpetuallie confirmis all Actes of Parliament maid be his Hienes, or his maist Noble Progenitours, against the transporting of forbidden guddes and Wares, out of this Realme, And ordainis the same to have full effect and force in time cumming. Commanding his Hienesse Thesaurer, and all utheris his Officiares, to quhom it apperteinis, to see the saidis Actes put to dewe execution, against the contraveners theirof: As they will answer upon the dewtie of their offices, at their hiest charge and paine.

FINIS.

ANE

ANE TABLE

Of the

PARTICULAR ACTES, and utheris, maid be KING JAMES the Sext, in this ninth Parliament, 22. Auguſt, 1584. not imprinted.

1 EXception of the Abbates of New-bottle, and Kinloſſe, fourth of the Act anent ſucceſſoures to Prelacies.
2 Act maid anent factoures of landes, perteining to perſones delated of treaſon.
3 Ratification of the actes anent the libertie of Burrowes.
4 And of the Act anent the exceſſe of coaſtly cleething.
5 Commiſſion anent diſcuſſing of articles proponed in Parliament.
6 Act in favoures of the Laird of Lethingtoun.
7 Commiſſion anent the erection of the Colledge of Aberdene.
8 The annulling of penſiones fourth of the Biſchoppriks of Saint-Andrewes, and Aberdene.
9 Ratification of the Kingis revocation.
10 Ratification granted to the Commendatar of Pettin-weeme.
11 Ratification of the infeftment of Beau-lie, to my Lord Lovat.
12 Ane uther of the decreete given in favours of the Erle of Suther-land, againſt the Erle of Caithnes.
13 Ane uther of the decreete arbitral, betuixt the merchandes and Craftes-men of Edinburgh.
14 Ratification granted to Alexander Erskene of Gogar, upon the diſcharge of the Caſtle of Edinburgh.
15 Ratification of the contract, betuixt the King and Euſtathius Rogh, anent the mynes.

FINIS.

THE

THE TENTH PARLIAMENT CURRENT,

Halden at Linlithcow, *the X. dale of December, the zeir of God, 1585. zeires. Be the richt excellent, richt heich, and michtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, and the three Eſtaites.*

10. *Authors of ſlanderous ſpeaches, or writts, ſuld be pnniſhed to the death.*

IT IS Statute and ordained, be our SOVERAINE LORD, and the three Eſtaites, that all his Hienes Subjectes content themſelves in quietnes and dewtifull obedience, to his Hienes and his authoritie. And that nane of them preſume, or take upon hand publicklie to declaime, or privatly to ſpeake or write ony purpoſe of reproch, or ſlander of his Majeſties perſone, Eſtaite, or governement: Or to deprave his lawes and actes of Parliament, or miſconſtrue his proceedinges, quhairby ony miſlyking may be mooved, betuixt his Hieneſſe, and his Nobilitie, and loving ſubjectes in time cumming, under the paine of death: Certifieing them that does the contrare, they ſall be repute as ſeditious and wicked inſtrumentes, enemies to his Hieneſſe, and the commoun-weill of this Realme. And the ſaid paine of death ſall be execute upon them, with all rigour, in exemple of utheris.

11. *All Eccleſiaſtical Perſones, ſall finde caution to leave the Benefice, als gude as they fand it.*

THE Kingis Majeſtie, conſiddering the great and ſhamefull dilapidation of the rentes of the benefices of this Realme, without reſpect of the poſteritie: to the great hurt of the Crown and common-weith of this Realme: Therefore for ſum ſtay of the ſaid diſorder, quhill the inconvenientes paſt, may be better tryed, and the full remede provided: Be the adviſe of the three Eſtaites, conveened in this preſent Parliament, ſtatutis and ordainis that all perſones to be provided hereafter, to the Biſhoppricks, Abbacies, Priories, or quhat-ſum-ever inferiour benefices, being at his Hienes preſentation, ſall before the expedition and Regiſtration of their ſignatours, find ſovertie to the Clerk keeper of the Regiſter: That they ſall leave the ſaid benefice at their deceaſe and dimiſſion, unhurt or vitiat in the quantitie of the zeirlie rent theirof: as they find it at their entrie theirto. And that their ſignatours and proviſiones on-nawayes be expede or paſſe the ſealles quhill the ſaid ſovertie be founden. And the ſame teſtified be the ſame Clerk. And in-caſe ony of the ſaides perſons, provided to the ſaides benefices, ſall happen to doe utherwayes: And be ony fewes, takkes, penſions, or changing of victual for money, or ony uther diſpoſition, ſall make their benefice in worſe eſtaite, nor the ſame was at their entrie theirto: all ſetting and diſpoſition, ſall be of nane availl, force nor effect.

12. *All leagues and bandes, maid without the Kinges conſent, are null.*

FORSAMEIKLE as their wes ane Act maid of before in the regiment of umquhile *Marie* Queene Dowrier and Regent of this Realme, OUR SOVERAINE LORDIS Gud-dame of worthie memorie: Anent leagues and bandes, as being thocht againſt all law and obedience of ſubjectes towardes their Princes. Quhilk Act ſen the making nocht weill obſerved; It hes given occaſion in a pairt of mony troubles, that hes occurred ſen-ſyne. Quhairfore OUR SOVERAINE LORD, with adviſe of his three Eſtaites, conveened in this preſent Parliament, Ratifies, appreivis, and for his ſucceſſoures perpetually confirmis, the ſaid Act of Parliament, and ordainis the ſamin to have full effect, and execution in time cumming. And als of new with adviſe of his ſaidis three Eſtaites, diſchargis and annullis all leagues and bandes maid betuixt his lieges and ſubjects in time bygane, preceiding the dait heirof. And ſtatutis and ordainis that in time cumming, na leagues nor bandes be maid amangs his ſubjects of onie degree, upon quhat-ſum-ever cullour or pretenſe, without his Hienes or his ſucceſſours privitie and conſent had and obteined thereto: under the paine to be halden and execute, as moveris of ſedition and unquietneſſe, to the breake and trouble of the publick peace of the Realme, and to be called and perſewed therefore, with all rigour, in exemple of utheris.

13. *All charges*, ſuper inquirendis, *ar diſcharged. The writers ſuld not alter the auld forme and ſtile.*

OUR SOVERAINE LORD, with adviſe of his three Eſtaites, ſtatutis and ordainis, that his Hieneſſe Secretar, or his deputes, keepers of the ſignettes, paſſe na maner of Letters to charge ony perſones

perſones to compeir, *ſuper inquirendis*, Or to enter their perſones in ward, or to do onie deede, under the paines of treaſon or rebellion: And in-caſe of failzie, to denunce without calling, or cognition tane of before. Notwithſtanding the ſubſcription of his Hienes, or ony twa, or maa of his Councell: Except the ſame letters be ſpecially ſubſcribed be the chiefe officiares of the Eſtaite, at the leaſt be four of them: quhairof the Chancellar, Theſaurer, or Secretar ſall be alwayes ane, and ſall perfitely underſtand, and anſwer, that ſik letters ar adviſedly directed, for matters being in themſelves treaſon in deede: or utherwayes of higheſt importance, concerning his Hienes perſon, and proper Eſtaite, that may ſuffer na delay. And that the Secretar admoniſh all his deputes and writers to the ſignet, that nane of them take upon hand to write, or put in forme ony maner of Signatour or Letter, to be paſt his Majeſties hand, that conteinis novaltie or informalitie, contrair the lovable and accuſtomed ſtile and forme, notwithſtanding the deſire of ony partie, under the paine of deprivation. And that everie writer ſubſcribe his name on the back of the ſignatour, or letter, as allowed be him, That it is written according to the ordinar ſtile and forme: And that na ſignatour, or letter paſſe unallowed or ſubſcribed be the writer, as ſaid is, as they will anſwer thereupon, at their higheſt charge and perrell.

14. *Fiſh ſlaine on ather ſide of the water of* Forth, *may be brocht to ony free Burgh.*

FORSAMEIKLE As in the Act of Parliament, lately maid anent the packing, and peeling of Herring and quhit-fiſh, and uther fiſh, ſlaine on ather ſide of the waters of *Forth:* It is expreſſie provided, that all the ſaidis fiſhes, ſall be brocht to the Portes of *Leith*, or *Carrail* allanerlie: There to be graithed and handled, as in the ſaid act at mair length is conteined: Quhilk ſenſine hes bene very hurtfull and prejudicial to the remanent free Burrowes and Sea portes, on ather ſide of the ſaid water of *Forth*. Therefore our ſaid Soveraine Lord, with adviſe of his three Eſtaites, conveened in this preſent Parliament, declaris, ſtatutis and ordainis, that it ſall be leſum to the remanent of the ſaidis free Burrowes, to have the ſaidis fiſhes brocht to ilk an of them in time cumming, alſweill as to the ſaids Portes of *Leith* and *Carrail:* Notwithſtanding ony reſtriction maid their-anent, be the ſaid Acte, or utherwayes of befoir, diſpenſand therewith for ever. And ordainis letters of publication to paſſe here-upon, in forme as effeiris.

15. *Licences anent tranſporting of forbidden guddes, nocht ſubſcribed be the Comptroller, ar of nane availe.*

FORSAMEIKLE As ſindrie perſones, under coullour of our Soveraine Lordis lieences granted to them, hes tranſported, and daylie tranſportis foorth of this Realme, wooll, tallon, victual, and ſik uther forbidden guddes, to the great hurt and prejudice of his Hieneſſe cuſtomes, and the commoun-weill of this Realme. For eſchewing of the quhilk in time cumming, our ſaid Soveraine Lord, and the three Eſtaites of this preſent Parliament, decernis, ſtatutis, and ordainis, that all ſik licences, for tranſporting of the ſaides forbidden guddes granted or to be granted be his Majeſtie, be ſubſcrived be his Hienes Comptrollers, preſent and to cum. And utherwayes to be invalide and to have na force nor effect. And ordainis letters to be directed to the effect foreſaid.

16. *Addition to the Act maide anent Sornares and thieves of Clannes.*

IT Is ſtatute and ordained be OUR SOVERAINE LORDE, be adviſe of his three Eſtaites in Parliament, that in caſe ony of his Hienes gude ſubjectes, that received onie harme or skaith, throw ſtowth or maiſterfull reiffe of their guddes, be ony of the notorious thieves, broken men, or Sornares of the clannes of thieves in times cumming, ſall happen nocht to be of power of themſelves to ſtay and arreiſt the bodies and guddes of the perſones that hes offended againſt them, or utherwayes of the ſame Clan, their ſervands dependares and partakers being apprehended be them: That then the compleener ſall deſire the Schireffe, Stewart, Baillie, or their deputes, or Proveſt and Baillies, within Burgh, or onie uther perſon, being of power, that happenis to be preſent for the time. To concur and aſſiſt to the ſame compleener, in making of the ſamin ſtay and arreiſtment, conforme to the Acte of Parliament maid at *Edinburgh* the XXIV. day of October, Ane thouſand, five hundreth, auchtie ane zeires, Againſt notorious thieves and Sornares of clannes, as they will anſwer to his Hienes upon their obedience, and under the paine to bee reputed, and eſteemed partakers with the ſaidis thieves, in evil deedes: Quhairin gif they failzie, his Hienes with adviſe of his ſaidis Eſtaites, declaris that the ſaid compleener, being his Hieneſſe obedient ſubject, ſall have ſik-like action criminally, or civilie, againſt the ſaidis Schireffes, Stewarts, and Baillies, Proveſt and Baillies within Burgh, or uthers perſones of power happening to be preſent for the time, And failzeing readilie to concur and aſſiſt, as ſaid is, as againſt the principal thief or rievar. And further declaris, ſtatutis, and ordainis, that it ſall be leſum to his Hienes trew and obedient ſubjectes, having their guddes ſtollen and reft be the ſaidis notorious thieves, broken men, or Sornares of Clannes, to apprehend, take, and intromet with the guddes and perſones of the offenders, or onie uthers of the ſamin Clan, their ſervandes, defenders, or partakers, with quhome the thieves, and trew mennis guddes ſtollen or reft be them, were receipt: and to reteene the ſamin, as their awin proper guddes,

ay and quhill the offenders, or uthers of the ſaid Clan, cum to compt and reckoning, and make ſufficient ſurtie for redreſs of the trew mens skaith: Conforme to the ſaid Act of Parliament, and aſſoilzies them fra all danger of ſpoilzie, or violent proffittes, but onely to be anſwerable for the principal guddes, quhen they ſall have reckoning, compt, and dew redreſſe of their awin guddes, with their coaſtes and skaithes.

17. *Revocation of the Kingis propertie.*

OUR SOVERAINE LORDE, Having at ſindrie time heretofore, commanded ordour to be taken with the Eſtaite of his Houſe and toward his propertie, quhair-upon the ſame ſuld be ſuſteined: And finding nathing effectual done thereanent, as zit. Bot in default of the ſame, diverſe abuſes entered, and ſtill continuand in the ſame houſe, and great diminution of his Hienes rentes, his Majeſties debtes, and his awin houſe alwayes increaſing. FOR remeid quhairof, his Majeſtie be adviſe of the Lordes, and of his Eſtaites alſwa in Parliament, hes maid, and cauſed publiſh diverſe revocationes, quhilkis notwithſtanding, hes tane ſmall effect to his Hienes commoditie: Becauſe the thinges appoynted to be recovered, and brocht againe to the ſame revocationes, were alwayes newly impetrat and purchaſed of his Majeſtie be inoportune and unreaſonable ſuites, quhairby his Hienes awin neceſſitie aucht firſt to be provided for. THEREFORE his Hienes, zit as of before, with adviſe of his three Eſtaites, conveened in this preſent Parliament, revokis, caſſis, and annullis, all infeftmentes, takkes, penſiones, giftes, aſſignationes, reverſiones and exceptiones quhat-ſum-ever, maid of the rentes of his propertie annexed and perteining to his Croun, in the dayes of his deareſt Gud-ſchir, King JAMES the Fifth, of worthie memorie. Or in ony time by-gane, preceeding the dait hereof, being of their awin nature, or be cuſtome or Lawes of this Realme revocable. And declaris the ſaidis infeftmentes, takkes, penſiones, giftes, aſſignationes, reverſions and exceptions, to have bene, and to be null, and invalide for the crop and zeir of God, 1585. zeires inſtant, *Whit-ſunday*, and *Martine-mes* termes of the ſame, and in time cumming: Notwithſtanding, ony ratifications or confirmations theirof, be Parliament or utherwayes, and ordainis the ſaidis rentes, to be charged for, intrometted with, and in-brocht to his Hieneſſe proper uſe, be his Majeſties Comptroller, and his deputes, to his Hienes uſe. Attour his Majeſtie avowis in the word of a Prince, & promiſes inviolablie to obſerve this Act, and to abſteine from all new diſpoſitions, of ony of the ſaidis rentes revoked, as ſaid is, quhill his awin neceſſities be firſt of all dewlie and ſufficiently provided for. As alſwa to allow of that gude forme in his houſe, quhilkis the ſaidis Lordes of his ſecreit Councel, and Officiares of his Eſtaite, appoynted in this preſent Parliament, ſall appoynt to beginne the firſt day of Januar nixt-to-cum. Diſchargeing his Hienes Comptroller, of all anſwering or admitting of ony precepts or fees, penſiones or wages, to ony perſons, of the termes foreſaid, or in ony time cumming: quhill it be newlie directed, and ſpecially appoynted be his Hieneſſe, with adviſe of the ſaidis Lordes of his Privie Councell, and Officiares of his Eſtaite, ſittand togidder in that number. Quhilk be this preſent Parliament ar appoynted, his Hienes awin neceſſitie being firſt conſiddered, quhat penſiones, fees and wages, ſall be allowed and payed in the Office of Comptrollerie, of the zeir of God foreſaid, and in time cumming. To the effect it may be ſeene, that the thingis commanded to be anſwered, ar reaſonable and profitable to be done, without his Majeſties hurt and inconvenient, his awin neceſſitie being alwayes firſt conſiddered and provided for, as ſaid is: And conſideration had alſo of the payment of his by-gane debtes, ſa far as is poſſible: Certifieing the ſaid Comptroller, gif he do in the contrair, he ſall have na allowance of his doing: notwithſtanding ony warrand paſt before the dait of thir preſents.

18. *The narreſt Agnat ſuld be curatour to Fooles, Idiotes, and Furious perſones.*

OUR Soveraine Lord, be adviſe of this preſent Parliament, ſtatutis and ordainis, that the narreſt agnates and kinſmen of natural Fooles, Idiotes, and furious perſones ſall be ſerved, received, and preferred, according to the diſpoſition of the commoun Law, to their tutorie, and curatorie.

19. *Addition to the Act anent double poynding.*

FORSAMEIKLE, As there was ane Act maid in the laſt Parliament, halden at *Edinburgh*, in the Moneth of Auguſt, ane thouſand, five hundreth, fourſcoir foure zeires, anent decreits given upon double poyndings, and hornings, the ane part being lauchfullie ſummond; compeiris not in that inſtant, and thereafter deſires to be heard be way of reduction, They ſall not be heard to retreite and reduce the ſaid decreit, nor zit ſall be reſtored againe to the ſamin: neither zit have onie action for the by-run proffites intrometted with be the obteiner of the decreet: As at mair length is conteined in the ſaid Act. Quhilk act is not only extended to all ſik queſtions as may occurre hereafter, but alſwa in all ſik matters of the like ſort by-gane intended, or to be intended, depending and undecided before the Lordes of Seſſion, and uthers Judges ordinar, to ane great hurt and prejudice of ane great number of our Soverains ſubjectes, ſecluding them fra their actiones of reductions of decreetes of double poyndings and horninges, and from the profites reſultand thereupon, alreadie intended and depending lang before the making of the ſaid act, quha of law and equitie, aucht not to be aſtricted to obſerve ony ſtatutes or ordinances, before the making of the ſamin: ſeeing Lawes ſuld be extended *ad futura*, and not *ad præterita*. Therefore our Soveraine Lord,

Lord, with adviſe of the three Eſtaites of this preſent Parliament, deceernis and declaris, the foreſaid Act of Parliament, only to be extended to the reduction of decreetes of double poyndings and horninges, as hes, or ſall be obteined ſen the making of the ſamin: and not to ſik as wes intended and depending lang of before, and that in reſpect, our Soveraine Lordis ſubjectes, could not obſerve the ſaid act, before the making heirof, and ordainis letters to be direct hereupon, in forme as effeiris.

20. *Signatoures and other writtes, ſuld be preſented be the ordinar Officiars.*

OUR SOVERAINE LORD underſtanding how ſarre his Hienes is grudged, be the ſubſcriving of ſindry Signatoures and letters, at in-oportune ſute and deſire of ſindrie perſones, his Hieneſſe not being fore-warned nor trewlie informed of the effect and contentes of the ſaid ſignatoures and letters: For remeid quhairof, his Majeſtie with adviſe of his three Eſtaites, conveened in this preſent Parliament, ſtatutis and ordainis: That na ſignatour or letters quhat-ſumever, ſall be preſented to his Majeſtie, to be ſubſcribed in time cumming, bot be his ordinar officiars, unto quhais offices the ſame properly belangis. And in caſe ony ſignatour, aither ignorantly, or upon inoportunitie, ſall happen to be ſubſcribed, be his Hieneſſe utherwayes; Commandis his ſaids ordinar officiars to ſtay them: And in no wayes to ſubſcribe or paſſe them; As they will anſwere at their higheſt charge and perrell: Quhilk ſtaying of the paſſing of ſik ſignatoures, ſall be imputte to them for na offenſe: Bot eſteemed be his Majeſtie, as acceptable and gude ſervice, tending to his Hieneſſe honour, and commoun weill of this Realme.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES, in this Tenth Parliament, 1585. and not imprinted.

1 *RAtifications of the Act of Parliament maid anent infeftments given for delivering of Caſtles.*
2 *Of the aſſent of the eſtaite, for concluding of ane league, with the Queene of* England.
3 *Ratification granted to* James Richardſon *of* Smeetoun.
4 *Item, to the Laird of* Elphinſtoun.
5 *Item, to the Laird of* Car-michael.
6 *Item, to the bairnes of the Laird of* Segie.
7 *Item, to* Alexander Wood.
8 *Item, to* Walter Dundas.
9 *Item, to* William *Commendatar of* Pettin-weeme.
10 *Item, to umquhile Sir* James Balfour, *his wife and bairnes.*
11 *Item, to* William Dowglas, *of the Proveſtrie of* Lincluden.
12 *Item, to Maiſter* Edward Bruyſe, *of the Abbacie of* Kinloſſe.
13 *Item, to the Laird of* Ceſfurd, *anent the landes of* Ormeſtoun.
14 *Item, to* George *and* Andrew Haliburntounes, *of their Penſiones.*
15 *Item, to* John Authinleck, *of his Penſion.*
16 *Item, to Maiſter* George Young, *and* John Andro.
17 *Item, to the Toun of* Anſtruther, *in free burgh.*
18 *Item, anent confirmation of fewes and Kirk-landes.*
19 *Item, in favour of the Colledge of Juſtice, anent the time of ſitting.*
20 *Item, of them quha maid payment to factoures.*
21 *Item, of Advocates, to trie and conſult with perſones fore-falted, anent their reſtitution.*
22 *Item, of Noble-men and uthers reſtored and received to the Kingis favour.*
23 *Item, of* John, *Erle of* Mortoun, *his friendes and ſervandes.*
24 *Item, of Miniſters and Maiſters of Colledges, and Schooles, concerning their reſtitution.*
25 *Item, of my Lord* Hammiltoun, *as curatour to his brother.*
26 *Item, of* Claude, *Lord* Hammiltoun *and certaine his friendes, with exception of* W. Sinclar.
27 *Item, of the bairnes natural, of umquhile,* James *Erle of* Mortoun.
28 *Item, of the Erle of* Angus, *anent the aires of* Quhite-law.
29 *Item, in favoures of the Toun of* Drum-freis.
30 *Item, of Maiſter* William Leſleie.

31 *Item, of the poſteritie of* William *Erle of* Gowrie. *Item of* John Achteſon.
32 *Item, of Sir* William Stewart, *lait Captaine of* Dumbarten.
33 *Item, to my Lord Glammes.*
34 *Item, of the Maiſter of* Glammes.
35 *Item, of the ſervandes of the Erle of Mar, and Maiſter of* Glammes.
36 *Item, of my Lord* Hammiltoun *and* Claude *Commendatar of* Paiſlay, *his brother.*
37 *Item, of the Laird of* Holmendis, *and his friendes.*
38 *Item, of Sir* John Maitland *of* Thirle-ſtane *Secretar, and* James Maitland *his brothers ſonne.*
39 *Item, of* John Hammiltoun *of* Drumry.
40 *Item, of* William Dowglas *of* Drumlang-rig, *anent the landes of* Armetnes.
41 *Item, of* John Hepburne *of* Bonchard.
42 *Item, of* Fraunces *Erle of* Errol.
43 *Item, of* James Murray, *and the Ladie* Polmaes.
44 *Exception of the Erle of* Orknay.
45 *The Lord* Ding-well, *and* William Murray, *fra the Act maid anent the revocatim of the Kingis propertie.*
46 *Item, of the Juſtice Clerke, anent the landes of* Woudhouſly.
47 *Commiſſion anent the fees of the ſcalles and chalmer, and ſubſcription of officiers.*
48 *Item, anent Commiſſioners of ſchires, to be ſent to the Parliament, remitted to the Kings will and ordinance.*

FINIS.

THE ELLEVENTH PARLIAMENT,

Halden at Edinburgh, *the XXIX. daye of Julij, the zeir of God, 1587. zeires. Be the richt excellent, richt heigh, and michtie Prince, JAMES the Sext, be the Grace of God, King of SCOTTES, with adviſe of his Eſtaites.*

22. *The Kingis perfite age, is after twentie ane zeires compleete.*

AT NENT The propoſition maid be OUR SOVERAINE LORD, and his three Eſtaites conveened in this preſent Parliament, for declaration quhat is the perfite age of his Hienes, makand mention of ane Acte of Parliament, made be King *James* the Second, of gude memorie, of the daite the twentie day of March, the zeir of GOD, 1437. zeires. And ſik-like, of the late Acte maid be his Hieneſſe umquhile deareſt Mother, of the daite the fifteene day of December: The zeir of GOD, 1564. zeires: Like as the ſaidis Actes at mair length proportis. Deſiring therefore the declaration of the ſaidis Actes, anent the lauchfull and perfite age of the Prince, gif it be of twentie ane zeires compleete.

OUR SOVERAINE LORDE, and his ſaidis three Eſtaites, hes declared, and declaris, that the Kingis Majeſties Predeceſſoures, Kinges and Queenes of this Realme, were be the ſaidis Actes, halden of lauchfull age, at twentie ane zeires compleete: Like as OUR ſaid SOVERAINE LORD, being now of twentie ane zeires compleete, is of perfite and lauchfull age: Swa that his Hieneſſe, his Predeceſſoures and Succeſſoures, after the ſaid age of twentie ane zeires compleete, micht have done, and may do all thinges that thereafter ane Prince of lauchfull and perfite age, micht have done, or may do of the Law.

23. *Ratification of all Lawes, maid anent the libertie of the Kirk, and all utheris in the Kingis minoritie.*

OUR SOVERAINE LORD, now after his lauchfull and perfite age of twentie ane zeires compleete, with adviſe and conſent of his Eſtaites conveened in this preſent Parliament, ratifies, appreevis, and for his Hienes and his Succeſſours perpetuallie confirmis, all and quhat-ſumever Actes maid bee his Hienes, in the Governements of his Regentes, during his zoung age. Or ſen the acceptation of the Governement of this Realme in his awin perſone; Or be his maiſt noble Progenitours, anent the Kirk of God and Religion now preſentlie profeſſed, and be the Lawes eſtabliſhed within this Realme, and that the ſaid Ratification be als effectuall, as gif all the ſaidis Actes war heirin expreſſed, named and numbered, and caſſis, annullis and abrogatis all Lawes, Actes, and ſtatutes, canon, civile, municipal, and uthers ordinances quhat-ſumever, maid in onie times of before, contrair or in prejudice of the ſaide trew Religion, and Profeſſoures thereof.

24. *Anent tryal and puniſhment of the Adverſaries of the trew Religion.*

OUR SOVERAINE LORD, and his three Eſtaites conveened in this preſent Parliament, Ratifies and appreivis the Actes, and ſtatutes, maid of before, anent the puniſhment of the Adverſaries of Gods trew Religion, preſently profeſſed: and be lawes eſtabliſhed in this Realme: and the ſeducers and perſwaders of his Hieneſſe obedient and faithfull ſubjectes to decline theirfra. And ordainis the ſame to have full effect, and execution in time cumming, with this addition: That quhatſoever profeſſed and avowed *Jeſuites*, or *Seminarie Prieſtes*, ſall be fund in ony part of this Realme, within the ſpace of ane Moneth after the publication of the Actes of this preſent Parliament: ſall be taken, apprehended, called, and perſewed, and incurre the paine of death, and confiſcation of all their guddes moveable. And quha-ever willingly, and wittingly receiptis or ſupplies onie of them thereafter, be the ſpace of three dayes, and three nights together, or ſeverally at three times, upon certaine knawledge, that they are perſons of that profeſſion, and beis lauchfullie, and ordourly convict of the ſame, ſall incurre the tinſell of their life-rents. And that they, as alſwa all fayers and hearers of *Meſſe* or prophaners of the Sacramentes; Or utherwaies perſones ſuſpected to have declined fra the trew and Chriſtian Religion, or refuſand to reſort to the preaching of Gods word, or quhat-ſumever perſon that ſall be reaſſoning, or diſperſing of bookes or letters, preſume to perſwade onie of his Majeſties ſubjectes, to decline fra the profeſſion of the ſaid trew Religion, being called to compeir, and anſwer thereupon before his Hienes and his privie Councell: in-caſe the perſones ſa accuſed,

and delated, or onie of them, ſall be fund culpable, be his Hienes privie Councell or five of them, his Majeſties Chanceller, and Clerk of Regiſter being twa of that number, aither be the Confeſſion of the ſaidis perſones accuſed, Or be the depoſition of famous witnes: Or gif the ſaidis perſons delated, being called and adjudged criminallie (in-caſe his Hienes and his Councell ſall ſwa thinke gud) and be fund guiltie and culpable in the premiſſes: That they there-throw, incur the paine of tinſell of all their moveable guddes: Together with the life-rentes of their Landes and livings quhat-ſoever, to be uptaken and imployed to his Hienes awen uſe: and na wayes to be diſponed to the perſons convict or fugitive, for the cauſes foreſaidis.

25. *The ſellers and diſperſers of erroneous buikes, ſuld be puniſhed and the buikes deſtroyed.*

FORSAMEIKLE as ſindrie perſones brings furth of utheris Realmes divers buikes and writtes, conteining erroneous doctrine, againſt the trew word of GOD, and Religion profeſſed, and be the Lawes eſtabliſhed in this Realme: Or conteining ſuperſtitious rites and ceremonies *Papiſticall*, quhairby the people ar greatly abuſed. FOR remeid quhairof, OUR SOVERAINE LORDE, and the three Eſtaites of this preſent Parliament, ſtatutis and ordainis, that quhairſoever ony perſones ſuſpecte of hame-bringing of the ſaids buikes, ſall repaire, reſort, and remaine within ony Burgh, it ſall be lauchfull to the Proveſt and Baillies of the ſame Burgh, with ane Miniſter, to ſearch and ſeeke the ſaids buikes, and being funde ſik buikes as ar before declared, to deſtroy them, and to commit the hame-bringers to wairde, quhill they be puniſhed in their perſones and guddes, at OUR SOVERAINE LORDIS will. For the quhilk this preſent Act, ſall be ſufficient commiſſion to the ſaids Proveſt, Baillies, and Miniſter: And their ſaid ſearching, ſeeking, intromiſſion, and deſtruction of the ſaids buikes, ſall be repute ane lauchfull deede, for the quhilk they ſall incurre na danger of ſpuilzie, or intruſion, or ony thing that may follow there-upon.

26. *Miniſters provided to Benefices under Prelacies, ſuld be free of the firſt zeires fruites and fifth penny.*

ITEM, It is declared, ſtatute and ordained, that all Benefices of Cure under Prelacies, quhair-unto Miniſters ar Readers or admitted (that actuallie ſervis, and dois their dewties at their Kirkes) ſall in all time cumming, be free of the firſt zeires fruites, and fifth pennie of their Benefices. And ſall from this time foorth have their Signatoures of preſentation paſt at the Privie Seale, upon his Majeſties awin ſubſcription onely, and his Secretaris, without ony payment, or caution to his Theſaurer for the ſaidis firſt fruits or fifth penny.

27. *Puniſhment of troublers of the Kirk, invaders of Miniſters, and of Excommunicat perſones, entrand into the Kirk.*

OUR SOVERAINE LORD, with adviſe of his three Eſtaites, in this preſent Parliament, ſtatutis and ordainis, that quhat-ſumever perſon or perſones, ſall happen hereafter, to perturbe the ordour of the Kirk, in time of Divine ſervice, or to make ony tumult, raiſe ony fraie, either in the Kirk or Kirk-zaird, quhair-throw the people then conveened, ſall happen to be diſordered, troubled, or diſperſed: The ſame ſall be ane poynt of dittay, and the perſones to be convict thereof, ſall tyne all their moveable guddes, to be eſcheit to OUR SOVERAINE LORD, for their offenſe; but prejudice of greater puniſhment, gif there happen ony greater offenſe, as ſlauchter, bloud, mutilation, ſchutting of Hag-buttes and Piſtolettes, according to the Lawes of this Realme. And for-ſameikle as divers perſones having committed ſindrie offenſes, for the quhilk they merite to be ſeparate from the ſocietie of the Kirk; And zit ſeekis na reconciliation there-unto, bot for neceſſitie of *Baptiſme* to their bairnes, or mariage of themſelves, or of their friendes, ſum-times minacis and boaſtis the ſaidis Miniſters, and ſum-times for ſeeking of their livinges, or ſik uther quarrelles, ſparis not to put violent handes on them. FOR remeid quhairof, it is ſtatute and ordained, be OUR SOVERAINE LORD, with adviſe of the ſaidis Eſtaites; That quhat-ſumever perſon or perſones, invadis ony Miniſter, or puttis ony violent handes in him, for the cauſes above expreemed, or ony uther ſik forged quarrell, ſall be puniſhed therefore with all rigour, and incurre the paine of tinſell of all their moveable guddes, for the ſaid invaſion and violence allanerlie; Albeit na ſlaughter nor mutilation follow thereupon: The ane halfe of the ſaidis moveable guddes, to be applied to our SOVERAINE LORDIS uſe, and the uther to the partie offended; But prejudice of greater puniſhment, gif ony heigher crime concurre, with the violence and invaſion foreſaidis. And for the better execution hereof; It is ſtatute and ordained, that all perſones, delated of the ſaidis offenſes, ſall be called and preſented therefore criminallie, before the Juſtice and his deputes, aither in Juſtice aires, or at particular dietes. And that letters be direct to that effect in ordinar forme, at the inſtance of the Miniſter, or the Kingis Advocate, or Procuratour for the Kirk, or ony uther that will perſew the ſaidis offenſes. And quhair ony excommunicat perſones enters in the Congregation, the time of the Miniſtration of the Sacramentes, or commoun Prayers; The Miniſter being certified thereof, ſall incontinent thereafter, charge the Excommunicate perſone,

ſone, in the name of GOD, and OUR SOVERAINE LORDE to depairt: Quhilk being refuſed, he ſall after the Miniſtration of the Sacramentes, or Commoun Prayers ended, require ſa mony of the maiſt wiſe, diſcreete, and ſubſtantious of the Paroche, as he pleaſis: That they, in OUR SOVERAINE LORDIS NAME, ſall take and apprehend the ſaid Excommunicate perſone, and preſent him to the Judge Ordinar, within the boundes of the ſchire, quhair the Paroche lies, quhilk Judge Ordinar, ſall be halden to receive the ſame Excommunicate perſon off their handes, and keepe and reteine him in priſon, till he finde caution, under ſik ſummes as ſall be modified be the Miniſter. And ſa monie of the Elders of that Kirk, as ar preſent for the time, or reſortis to the oulklie aſſemblies; That the Excommunicate perſon reconciliate himſelfe to the Kirk, and ſall make amendis for the ſaide offenſe.

AND gif the Excommunicate perſon foreſaid, deforcis ony of them in the execution of the premiſſes, he being convict thereof, his moveable guddes, ſall fall in eſcheit to OUR SOVERAINE LORDE: And his perſone ſall be puniſhed, at his Hienes will and pleaſure.

28. *Interpretation of the Act maid anent deprivation of Miniſters.*

ITEM, It is ſtatute and ordained, that the Commiſſion for deprivation of Perſones provided to benefices, for the cauſe of deprivation, ſall extend alſwa againſt Perſones provided to Prelacies, as tithers inferiour benefices under Prelacies, to be uſed be the perſones ſpecified in the ſaid Commiſſion: Or ſik utheris, as his Hienes ſall give Commiſſion to, in that behalfe, for all tranſgreſſiones of the Actes maid their-anent, ſen the Parliament halden at *Linlithcow*, in *December*, the zeir of God, 1585. zeires.

29. *Annexation of the Temporalitie of benefices to the Croun.*

OUR SOVERAINE LORD, and his three Eſtaites of Parliament, perfitely underſtanding the greateſt part of his proper rent, to have bene given and diſponed of auld, to Abbaies, Monaſteries, and utheris perſons of Clergie: quhairby the Crown hes bene ſa greatlie hurt, that thereafter his maiſt Noble Progenitours had nocht ſufficient meanes to beare foorth the honour of their Eſtaite, as they had before, quhilk hes bredde ſindrie inconvenientes within this Realme. And ſeeing the cauſes of the diſſolution of the patrimonie of the Crown, to the Kirk, after the trueth knawin, ar found nather neceſſar nor profitable: And that be manie occaſiones, through a lang proceſſe of time, the dearth hes ſa greatlie increaſed, not only in this Realme, Bot in all Cuntries, that the Princes charges, ar not able to be uphalden be that part of the patrimonie, quhilk now reſtis in his handes: And his Hienes for the great love and favour quhilk he bearis to his ſubjectes; being na waies minded to greeve them with un-profitable taxations, ſpecially for his royall ſupport. It is found maiſt meete and expedient, that he ſall have recourſe to his awin patrimonie, diſponed of before (the cauſe of the diſpoſition now ceaſing) as ane helpe maiſt honorable in reſpect of himſelfe, and leaſt grievous to his people and ſubjectes.

2. AND THEREFORE Our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, be the force of this preſent Acte, have united, annexed and incorporate, and unitis, annexis and incorporatis, to the Crown of this *Realme*, to remaine therewith as annexed, and as it were propertie thereof, in all time cumming, and with our ſaid Soveraine Lord, and his Succeſſours for ever; All and ſindrie Landes, Lordſhippes, Barronnies, Caſtles, Towres, Fortalices, Manſions, Manour places, Milnes, Multures, Wooddes, Schawes, Parkes, Fiſchinges, Tounes, Villages, Burrowes in *Regalitie*, and Barronnie, annual-rentes, tenementes, reverſiones, cuſtomes great and ſmall, few-fermes, tennentes, tennendries, and ſervice of free tennentes. And all and ſindrie utheris commodities, profites and emolumentes quhat-ſumever, alſweill to Burgh, as to lande, (except, as hereafter ſall be excepted in this preſent Acte) Quhilkis at the day and dait of thir preſentis, *viz.* The xxix. day of *Julij*, the zeir of God, 1587. zeires, perteinis to quhat-ſumever Arch-biſhoppe, Biſhope, Abbot, Prior, Prioreſſe, and quhat-ſumever uther Prelat, either Eccleſiaſticall, or beneficed perſon, of quhat-ſumever eſtaite, degree, high or lawe, and at the day and dait of thir preſentes perteinis to quhat-ſumever Abbay, Convent, Cloiſter, quhat-ſumever ordour of Friers, or Nunnes, Monkes or Channones, how-ſumever they be named, and to quhat-ſumever Colledge Kirk, founded for Chantorie and ſinging; Or to quhat-ſumever Prebendarie or Chaplanarie quhair-ever they be, or be ſituate within this *Realme* and dominion thereof. And ſik-like, all and ſindrie commoun landes, bruiked be Chaptours of Cathedrall Kirkes, and Chantrie Colledges as commoun: And quhairof the ſaidis Chaptours have bene in poſſeſſion before in commounitie, to be in all times hereafter, taken, halden and repute, as it were the propertie and patrimony of the Crown, to remaine therewith in all times cumming, after the forme and tenour, and ordour of the Act of annexation, maid in the time of our Soveraine *Lordis* maiſt Noble Predeceſſour, King JAMES the Second; And according to all clauſes, conditions, and circumſtances thereof, quhilk in all poyntes is halden for expreſſed in this preſent Act. And als it is ſtatute and ordained, that the execution of this act, in levying and uptaking of the profites, ſall begin and take effect, at the terme of *Martine-mes* nixt to-cum: That our ſaid Soveraine *Lord*, may receive the rentes and dewties of the ſaid terme, and ſwa foorth to continew in time cumming.

And

Taxation. 3. AND becauſe it is nocht reaſonable, that after the ſaid annexation of the ſaid Temporall landes to the Crown, the ſaidis Prelates and Eccleſiaſticall perſons be burdened with ony taxationes, for, and in reſpect of the ſaidis annexed landes, his Majeſtie, and his Eſtaites of this preſent Parliament, hes remitted the ordour to be taken for their relieſe in that behalfe, to certaine perſones to quhom the ordour of the generall taxation of all landes within this Realme is committed. Quhilk ordour to be taken, ſall be obſerved in all times cumming, and the heritable poſſeſſoures of the ſaidis landes, and utheris addebted in taxationes, ſall pay their taxt, according thereto.

Warrandize. 4. AND Further, is is declared, decerned, ſtatute and ordained, be our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, that in-caſe ony of the ſaidis Prelates, or perſones Eccleſiaſticall, quhais Temporall landes ar properly comprehended in the ſaid annexation, ſall be hereafter called and preſented, at the inſtance of quhat-ſumever perſones, for warrandize of ony of the ſaidis Kirk-landes, ſet in few, or takke be them, or their predeceſſoures to divers perſones, be occaſion of double infeftmentes, or aſſedationes: or for quhat-ſumever uther cauſe, they, and their ſucceſſoures ſall na wayes bee obliſhed to warrand the ſame, bot for their awin deed: to wit, quhair the warrandize proceedis, and takis occaſion upon double infeftmentes, or aſſedationes of ane land, baith proceeding from ane perſon diſponer thereof, zit on live; In quhilk caſe allanerlie, they ſall be obliſhed, as ſaid is.

Perſones convict of barratrie & reſtored. 5. IT IS Aſwa concluded, ſtatute and ordained, be our ſaid SOVERAINE LORD, and his three Eſtaites of Parliament, that the ſaid annexation ſall have full ſtrength, force and effect, in all Lordſhippes, tennendries, Barronnies, and uther Temporall Landes, quhilk perteined to ony Prelacie, or uther Benefice, poſſeſſed before, be quhat-ſumever Prelate or Eccleſiaſticall perſon, againſt quhome proceſſe of fore-faltour, or Barratrie hes bene led at ony time, ſen our ſaid Soveraine Lordis Coronatioun; Albeit they have bene in ony Parliament before, or ſall be now in this preſent Parliament, or hereafter fullelie reſtored againſt the ſaidis ſentences, and proceſſe, and their reſtitution ſall have na effect, againſt the ſaid annexation: bot the ſaid annexation, ſall have effect againſt them, notwithſtanding the ſaid reſtitution.

Fewes to be ſet be the King. 6. IT Sall be alwayes lauchfull to our ſaid Soveraine Lord, in his awin time, to ſett in few-ferme, quhat-ſumever the ſaidis Kirk-landes, quhilkis were not ſett in few-ferme before, gif ony be. And ſik-like, gif ony infeftmentes of few-ferme of the ſaidis landes, now annexed, quhilkis were ſett in few-ferme before, ſall happen to be retreited and reduced, for the reaſones and cauſes hereafter expreſſed: Quhairin his Hienes and his Succeſſoures, ſall onely be heard to quarrell and claime. It ſall be lauchfull to his Hienes in his awin *Diſſolution.* time, as ſaid is, to ſett the ſame in few-ferme, notwithſtanding the ſaid annexation. And to the effect forſaid, the ſaid proviſion ſall ſerve for a ſufficient diſſolution in that behalfe, and his Hienes, and his three Eſtaites foreſaidis, diſſolvis the ſame in that part.

Exceptions. 7. AND Sik-like, it ſall be lauchfull to our ſaid Soveraine Lord, to uſe the ſuperioritie and few-fermes of the Landes of *Tullois*, the milne of *Craquhy*, millandes and ſucken of the ſame: The Landes of *Corſtoun* quhilkis perteined to the Abbacy of *Aberbrothock*, lyand within the Schireffe-dome of *For-fare*, and Regalitie of *Aberbrothock*, as ſall ſeeme gude to his Hienes. And that the converſion of the victuall in money, or diminution of the rentall, ſall be na cauſe of reduction of the infeftment, the ſaid annexation, or ony clauſe, or condition therein conteined notwithſtanding.

8. FURTHER, Our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, hes declared, and be the tenour hereof declaris, decernis and ordainis, that the Landes, Lord-ſhippes and Barronnies underwritten, erected be his Hieneſſe in temporall Lord-ſhippes and Barronnies, before the dait of this preſent Acte, quhilk is the xxix. day of *Julij*, the zeir of God, 1587. zeires, ar not, nor ſall not be comprehended in the ſaid annexation: excluding the ſame alluterly their-fra, to remaine with the perſons to quhome they were firſt diſponed, after the forme and tenour of their infeftments, maid to them thereof. They ar to ſay; The Lands, and Lord-ſhippes of *Torphichin*, The Erledome of *Gowrie*, the Lord-ſhippe and living of *Deir*, now called the Lord-ſhippe of *Altrie*. The Landes and Barronnies of *New-bottle*, with the uther landes annexed thereto: The Barronnies of *Broughtoun* and *Kerſe*, the Burgh of the *Cannon-gate*, and ane part of the Town of *Leith*, the Barronnie of *Alhammer*, *alias* called *Quhite-Kirk*: Quhilkis of before, perteined to the Abbacie of *Halyrude-houſe*. The Landes and Lord-ſhippes of *Muſſel-burgh*, quhilkis of before perteined to the Abbaie of *Dumfermeling*. Quhilkis Lands and Lord-ſhippes ar diſponed to diverſe perſones, as their particular infeftmentes bearis: And als excepted the haill remanent landes of the Abbay of *Dumfermeling*, declared as zit to abide with the ſaid Abbay, in the ſame eſtait, quhairin they then were, and ar not comprehended in the annexation foreſaid: Bot to remaine with the ſaid Abbay, quhill forder ordour be taken. As alſwa excepted foorth of the ſaid annexation of Kirk-landes to the Crown: The infeftment of the Temporalitie of *Paiſlay*: And the Priorie of *Pluſcarden*, and temporalitie thereof. It is alwayes provided, and our ſaid Soveraine Lord, with adviſe of his ſaidis three Eſtaites in Parliament, provides and declaris, that notwithſtanding the ſaid annexation is appoynted to take effect in maner foreſaid, At the Feaſt of *Martinemes* nixt-to-cum: Nevertheleſs JOHN, *Lord* HAMMILTOUN, Commendatar of the Abbacie of *Aberbrothock*, ſall bruik the fruites, profites and dewties of the ſaid Abbaie, during his life-time, in the ſame maner as he did before. Except the profites of the landes of *Craquhy*, and milne thereof, the landes of *Tullois* and *Corſtoun*, few-fermes, and dewties of the ſame; For the quhilk he ſall be recompenſed,

according

according to the generall ordour to be taken with the remanent Eccleſiaſticall Perſones, quhais rent is paired, be the ſaid annexation, according to the Act and ordinance maid there-upon.

9. IN LIKE MANER, OUR SOVERAINE LORD, with adviſe of his ſaidis three Eſtaites, ratifies and appreevis the gift & diſpoſition maid be his Hieneſſe to *John Bothwell* ſonne lauchfull to *Adame*, Biſhoppe of *Orknay*, of the Abbacie of *Halyrude-houſe*, and haill fruites thereof, with the haill freedomes, juriſdictions, liberties, rentes, proventes, and emolumentes of the ſame, with the haill reſervationes, clauſes, conditiones, and circumſtances of the ſame, after the tenour thereof; As the ſame of the daite, the tenth day of *December*, the zeir of GOD, 1582. zeires bearis; Declaring the ſame to be ſufficient and vailzeable to him, for bruiking and uſing of the ſaid benefice and haill fruites thereof, induring his life-time. Notwithſtanding, quhat-ſumever Actes, conſtitutiones or Lawes, Civill, or municipall, maid in the contrair, diſpenſand there-with, and effect thereof; And that this preſent ratification, be als ſufficient, as gif the ſaid gift and diſpoſition had bene excepted in ſpeciall, in the ſaidis Actes, or ony of them. And this alwayes to be without derogation of the Acte of annexation, of the temporalities of Benefices to the Crown: or of quhat-ſumever richtes and titles maid be them, or ather of them, in favour of quhat-ſumever perſones, quhilk be this, his Hieneſſe meanis nawayes to prejudge; Bot the ſame to ſtande ratified and appreeved, in their full ſtrength and force, as gif they were ſpeciallie mentioned herein.

10. IT IS Alwayes underſtand, like as our ſaid Soveraine Lord, and his three Eſtaites declaris, that under the ſaid annexation or ony clauſe herein ſpecified: the teind ſcheves & uthers teindes of quhat-ſumever lands, within this Realme perteining to ony Perſonage or Vicarage, ar not, nor ſall not be comprehended: Except quhair the teind and ſtock is ſett togidder, as is hereafter declared; Bot that the ſame ſall remaine with the preſent poſſeſſour, having richt thereto, and quha ſall have richt to the ſame hereafter: Notwithſtanding the ſaid annexation, or ony generall clauſe therein ſpecified, quhilkis ſall nawayes be extended to the ſaidis tennendes, mair not gif the ſaid annexation had na wayes bene maid. *Teindis.*

11. Reſervand alwayes, and exceptand to all Arch-biſhoppes, Biſhoppes, Abbotes, Priores, Prioreſſes, Commendatars and uther Poſſeſſores of great Benefices, of the eſtait of Prelates, and quhilkis before had, or hes voite in Parliament, their principle Caſtles, Fortalices, houſes and manſiones, with the biggingis and zairdes thereof, as they lie and are ſituate within the precinctes and clauſures of their places, quhilkis ſall remaine with them, and their ſucceſſoures hereafter, for their reſidence and habitation. Notwithſtanding the ſaid annexation, quhilk ſall na wayes include the ſame; But the ſame Caſtles, houſes, manſiones, and uthers immediatlie before rehearſed, ſall abide in the ſame Eſtaite, quhairin they were before the ſaid annexation, but prejudice or hurt to be meaned or intended to the ſaidis Prelates, or ony uthers perſones, that may have or juſtlie pretend richt thereto. Providing alwayes they keepe and maintaine the ſame, in the Eſtait quhairin they preſently ar. *Prelates houſes.*

12. EXCEPTAND alſwa foorth of the ſaid annexation, all and quhat-ſumever manſiones of Parſonages and Vicarages annexed to Paroche Kirkes with four aikers of glebe, maiſt eweſt to the Kirk, and commodious for the Miniſter, ſerving the cure theirof, for his better reſidence there at, quhilk ſall not be, nor ar comprehended in the ſaid annexation: Bot ſall remaine with the Miniſter, Parſon or Vicar, or uther quha ſall be provided thereto, for ſerving of the cure, according to the Actes of Parliament maid there-anent of before. *Glebes and Manſiones.*

13. EXCEPTAND In like maner, all and ſindrie landes, profites, tennentes, annual-rentes, teind-ſcheves, and uther commodities and profites quhat-ſumever, given, granted, and diſponed for interteinement of Maiſters and ſtudentes in Colledges, erected for exerciſe of learning, and for *Grammer* Schooles, and for ſuſtentation of Miniſters; Makand their reſidence in Burrowes, quhair there is na uther ſtipend appoynted to them. *Colledges, Schooles, Miniſters within Burgh.*

14. AND Sik-like, exceptand and reſervand, all landes, tennementes, profites, annual-rentes, & commodities quhat-ſumever, granted before the dait hereof, be our Soveraine Lord, or quhat-ſumever his Hieneſſe Predeceſſoures; Or be quhat-ſumever utheris perſones, to ony Hoſpitall or Maiſon-dieu, within this Realme; And that in favoures of the Puir and needy: Providing that the ſame be not diſponed nor applyed to ony uther uſe. *Hoſpitalles and Maiſon-dieus.*

15. AND Finallie, exceptand and excludand foorth of the ſaid annexation, all Landes, Barronnies, tenementes, annual-rentes, and utheris commodities quhat-ſumever, quhilkis perteined of before, to quhat-ſumever Benefice, great or ſmall, being of laick patronages. To the quhilk the ſaid annexation ſall nocht be extended, nor comprehende the ſame: To the effect that nane of the ſaidis laick patronages be hurt nor damnified thereby. *Laick patronages.*

16. AND Notwithſtanding, the ſaid general annexation of all Landes, Lord-ſhippes, Barronnies, tennementes, annual-rentes, and utheris commodities above ſpecified (except before excepted) to the Crown of this Realme, to remaine therewith, as it were proper Patrimonie thereof in all time cumming: It is be this preſent Acte ſpeciallie provided, that quhen the ſaids landes, and uthers above ſpecified, or ony part or portion theirof, great or ſmall, ar ſett in few-ferme, takke and aſſedation: or ar diſponed in free tennendrie, in blanch cane, or for ſervice of wairde and reliefe, or utheris waies, as may ſtand and agree with the Lawes of this Realme: The ſaidis heritable free tennentes, ſewares, takkeſ-men and utheris righteous titulares thereof, ſall bruik and enjoy their Landes, Lord-ſhippes, Barronnies, tenementes, annual- *Superioritie.*

annual-rentes, and their uther rights and titles quhat-ſumever, after the forme and tenour of the ſame in all poynts: And our ſaid Soveraine Lord, and his Hieneſſe Succeſſoures, ſall be hereafter immediat ſuperiour to them: Like as they ſall becum, be vertew of this preſent Act, immediat tennentes and vaſſalles to his Hieneſſe, and their Succeſſoures, in their ſaidis Lord-ſhippes, landes and tenementes, for payment of the dewtie and ſervice, conteined in their infeſtmentes, takkes and aſſedationes, and utheris richtes and titles thereof; in the ſame ſort and maner, as they micht have bene obliſhed to the ſaidis Eccleſiaſticall perſones, and na uther-wayes. And that be the ſame infeſtmentes, takkes, richtes, and titles, quhilkis the ſaidis poſſeſſoures hes of the ſame: They ſall bruik, joyis and poſſeſſe their ſaidis landes. And it ſall not be neceſſar to them; to alter their ſaidis infeſtmentes and richtes: Nor to take the ſame of new of OUR SOVERAINE LORD, Notwithſtanding the tranſlation of the ſuperioritie in his Hieneſſe.

Penſiones. 17. AND Becauſe there ar divers penſiones, granted to mony perſones foorth of the ſaidis annexed landes, alſweill be the ſaidis Prelates, and utheris Eccleſiaſticall perſones, as be OUR SOVERAINE LORDE, the benefice vaikand in his Hienes handes, ather throw deceaſe, or be ptoceſſe of fore-ſaltour or barratrie, led againſt the poſſeſſour of the Benefice. OUR SOVERAINE LORD, and his ſaidis three Eſtaites of Parliament, decernis, and declaris: That the ſaidis penſioners, ſall na wayes be hurt nor prejudged in their ſaidis penſiones (they being lauchfullie provided thereto) be the ſaid annexation. Swa that the ſaidis Penſioners have bene authorized be decreetes of the *L*ordes of Councell, or uther Judges ordinar: Or have bene in lauchfull poſſeſſion of their penſiones, at ony time preceeding.

The entring of aires. 18 IT Is Alwayes declared and decerned, be our Soveraine *L*orde, and his ſaidis three Eſtaites in Parliament; That in all and ſindry landes, *L*ord-ſhippes, tenementes, annual-rentes, uthers profites & commodities quhat-ſumever, properly comprehended in the ſaid annexation: Our ſaid Soveraine Lord, and his Succeſſours, ſall have the only and full richt of the ſuperioritie of the tennendries, ſik-like, and in the ſame maner, as the ſaidis Eccleſiaſticall perſones had the ſame of before. And that the aires of the preſent heritable poſſeſſoures in all time cumming, ſall enter be Brieves of our Soveraine Lords Chappell allanerly: quhilks Brieves, ſall be direct to the Schireſſe of the Schire quhair there was na Regalitie before. And quhair there was ony Regalitie quhilk hes now ane heritable Baillie or Stewart, the ſame ſall be directed to the ſaid Baillie or Stewart and their deputes. After the ſervice of the quhilk Brieve, the ſamin being retoured to OUR SOVERAINE LORDS Chancellary, quhidder the ſaidis landes lie in Royaltie, or Regalitie; The partie ſall have precepts to be ſeaſed, halden of our ſaid *S*overaine Lord according to his retour, be the ſame conditiones, as our ſaid *S*overaine Lordis uthers tennentes have bene ſeaſed be preceptes, direct furth of the Chancellary of before. In the quhilk precept commandement ſall be given, to the *S*chireffe, *S*teward or Baillie, to quhom the ſame ſall be directed, to take ſecuritie for the dewtie awand to our ſaid *S*overaine Lord, as the cauſe ſall require be the retoure; As the cuſtome hes bene in the Kingis tennendries in times by-paſt.

Reduction of infeſtmentes. 19. AND BECAUSE OUR ſaid SOVERAINE LORDE, and his *S*ucceſſoures, ar decerned and declared be the tenour hereof, to have the full richt to the ſuperioritie of the ſaidis tennendries of Kirk-landes: IT IS THEREFORE ſtatute and ordained, that his Hieneſſe and his *S*ucceſſoures, ſall have ſufficient richt, action and intereſt, for compelling of all and ſindrie the ſaidis tennentes, nowe preſentlie being, and their aires and ſucceſſoures that ſall be for the time; To pay the dewties, and do the ſervices conteined in their infeſtmentes, in all time cumming. AND in-caſe the clauſſes and conditiones of the ſaidis infeſtmentes, be contraveened, his Hieneſſe and his *S*ucceſſoures ſall have Action to retreit & reduce the ſaidis infeſtmentes, according to the clauſſes, conditiones and reſtrictiones ſpecified therein; & of ony fault, offenſe, or contravention, that ſall be done, or committed in time cumming allanerlie. And his Hieneſſe and his Succeſſoures, ſall not have action, title, power or richt, to call ony of the ſaidis infeſtmentes or takkes and aſſedationes of ony of the ſaidis Kirk-landes, quhilkis ar maid be them quha had power to make the ſame, or ony richt or title depending thereupon, in queſtion: Nor zit to perſew the reduction, annulling or expyring thereof: Nor zit ſall his Hieneſſe, nor his *S*ucceſſoures have onie maner of Action, richt or title, to retreit, reduce or annull, quhat-ſumever infeſtmentes, of the ſaidis Kirk-landes, dewlie and lauchfullie confirmed be him or his Predeceſſoures, for diminution of the rental: *S*wa that the ſaid diminution be nocht of the auld penny-maill, *de liquido ad liquidum*: And his Majeſtie and his Succeſſours, ſall nawayes be heard to quarrell the ſaidis infeſtmentes of few-ferme, for converſion of the victuall in ſilver deutie: Or for ony uther reaſon or cauſe of nullitie, invaliditie, leſioun or hurt: Or be reaſon of quhat-ſumever Law, Cannon, municipall, ſtatute or conſtitution: Except in the cauſes foreſaidis, for none payment of the ſaidis deuties, and dew ſervices in time cumming: According to the reſtrictiones conteined in the ſaid infeſtmentes.

20. AND ALS Except, and quhair OUR ſaid SOVERAINE LORDE, & his *S*ucceſſoures, may have querrell, or imprieve the ſaidis infeſtmentes, gif ony of them be fals and feinzied: In the quhilkis cauſes allanerly his Hieneſſe and his *S*ucceſſours, ſall have place to perſew, and be the tenour of this preſent Acte, ar, and ſall be expreſlie and continuallie excluded fra all uther action, cauſe and perſute, except the cauſes foreſaidis.

The ſewares ſall bruik their landes conform too their infeſtment. 21. AND Mairover, our ſaid *S*overaine Lord, And his three Eſtaites in Parliament, for the greater aſſurance to the ſaidis ſewares and free-tennents, declaris that it ſall not be leſum to him nor his *S*ucceſſoures: And that his Hienes nawayes means nor intends, directly nor indirectly, to harme or prejudge, the ſaidis

ſaidis ſewares and free tennentes, their aires and ſucceſſoures in their roumes and poſſeſſiones, perteining to them for ony cauſe, except for the ſpeciall cauſe above excepted; Bot that they ſall bruik their ſaidis landes, ſewes and tennendries, als freelie in all reſpectes, for payment of the deutie, and ſervice conteined in their infeſtmentes: as onie his Lords, Barronnes, ſewares, and free-tennentes, quhilkis was immediat vaſſalles of auld, hes bruiked and joyſed their ſaidis landes and heritages: Or preſently bruikis or joyis the ſame, but ony difference hereafter.

Fewes ſett cum decimis inclu-ſis.

22 AND Becauſe the teind-ſcheeves, and uther ſmall teindes of all landes within this Realme, ar expreſſlie excepted foorth of the ſaid annexation, and the ſame na wayes extended thereto. And thereby it is conſidered, that queſtion may fall out, anent the payment of the ſew-fermes of the Kirk-landes, to our Soveraine Lord, quhair in ane infeſtment, the landes and teindes is ſet togidder for ane dewtie; And but diviſion or diſtinction, how meikle ſall be payed for the ſaid land, and how meikle for the teind: quhilk may ſeeme hurtfull to ſik as hes the landes ſett to them, with the teindes included: And to the Eccleſiaſticall Perſones, to quhom the teindes ar reſerved. FOR Avoyding of the quhilk queſtion, our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, decernis and declaris, ſtatutis and ordainis, that the comprehending of the ſaidis teindes, and including the ſame with the Landes, ſall na wayes breik OUR ſaid SOVERAINE LORDIS ſuperioritie foreſaid: Bot his Hieneſſe ſall remaine ſuperiour to the haill tennendrie, ſtock and teind, after the forme of the infeſtmentes. And that the richt of the ſaid infeftment, ſall ſtande indiviſible, ſa farre as concernis the halding and tennendries. Bot the ſaid Eccleſiaſticall perſone, ſall have action and richt to the tenth penny of liquidat mailles, conteined in the ſaid infeſtment. And the uther nine parts thereof, ſall perteine to OUR SOVERAINE LORDE: And this to be nocht onelie of the penny-maill, but of all uther dewties, that ſuld be payed for teind and ſtock; To witt, that nine partes thereof, ſall perteine to OUR SOVERAINE LORDE: And the tenth-part be juſt eſtimation, ſall apperteine to the ſaid Eccleſiaſticall Perſon. And that all the Judges and Miniſters of his Lawes, within this Realme, Judge and decide according to this ſtatute, and na utherwayes, how oft as that queſtion ſall be mooved, upon the caſe fore-ſaid.

Burrowes of Regalitie & Barronnie.

23 AND For-ſameikle, as there is diverſe *B*urrowes in Regalitie and Barronnie, within this Realme, quhilks were before halden immediatlie of the ſaidis Prelates, and have bene in uſe to exerce the trade and trafficque of merchandiſe: To make Burgeſſes, and to elect Proveſtes, Baillies and uthers Officiars, meete and neceſſar for the governement of their Communities; Our ſaid Soveraine Lord, and his ſaidis three Eſtaites in Parliament, na wayes willing that they ſall be hurt therein, declaris, decernis, and ordainis, that they ſall remaine in the ſame freedoome and libertie, quhilk they had before the ſaid annexation, to be halden alwayes of our ſaid Soveraine Lorde, in the ſame maner and condition, be the quhilk they held their ſaidis liberties, of the ſaidis Eccleſiaſticall perſones before, and na-wayes hurt in their rightes and priviledges. And that the ane ſort and the uther be not confounded be this preſent Act, bot remaine alwayes diſtinct, as they were in time by-paſt: notwithſtanding the ſaid annexation. It is alwayes provided, ſtatute and ordained, that the Proveſt, Baillies, Councell and utheris Officiars, within the ſaid Burrowes, in Regalitie and Barronnie, quhair they were Proveſt and Baillies of before: ſall be zeirly elected, choſen, depoſed and altered, according to the forme and tenour, of the Actes of Parliament, maid in the dayes of our Soveraine Lordis maiſt Noble predeceſſoures, and ratified in divers Parliaments, ſen his Hieneſſe Coronation.

Annual-renteis within the ſaid Burrowes.

24 Forder the ſaids Burrowes in Regalitie, and Barronnie, and all lands, tenementes, and annual-rentes, within the libertie of the ſame, quhilkis were halden of the ſaid Eccleſiaſticall perſones before, ſall fra this preſent be halden of our ſaid Soveraine Lord, and his Succeſſours in chiefe, and the aires ſall be entered thereto, be our ſaid Soveraine Lords Brieves, to be direct to the ſaidis Proveſt and Baillies, of the ſaidis Burrowes: and the ſervice ſall be retoured to his Hienes Chancellary. Upon the quhilk retoure, the Director ſall deliver ane Precept, in competent and dew forme, with proviſion of ſecuritie, to be taken for the mailles and dewties of the ſaidis landes, and annual-rentes, as they ſall be retoured: Becauſe the ſaids Burrowes, ar not his free Burrowes Regall, and were not relived of their none-entries, at the handes of the ſaidis Prelates, their ſuperiors, in times by-paſt: And quhair the Prelate received reſignation, or gave entres; That the Kingis Majeſtie ſall give it now be ordour of his Chancellary; and quhair the power was in the handes of the Baillies of the Burrowes within Regalities, that they bruik and enjoy their richt and priviledge, as of before.

Heretable Baillies & Stewardes.

25 AND Becauſe the ſaidis landes, Lordſhippes, and Barronies, quhilks before perteined to the ſaidis Archbiſhoppes, Biſhoppes, Abbotes, and utheris Prelates: There is diverſe our Soveraine Lordis lieges, conſtitute heretable Baillies and Stewardes of the ſaidis Lordſhippes and Regalities: Quhilkis heritable Baillies and Stewardes, our ſaid Soveraine Lord intends not to hurt, be the ſaid annexation. Therefore our ſaid Soveraine Lord, and his ſaidis three Eſtaites of Parliament, declaris, decernis, ſtatutis and ordainis, that the ſaid heritable Baillies and Stewardes, and their aires and ſucceſſoures, ſall now and hereafter abide and remaine, in their richt and title, quhilk they have of the ſaidis Offices, except in the change of their ſuperior, in our Soveraine Lord and his Succeſſoures, quhilks in all time hereafter ſall be their immediat ſuperiour. Like as the ſaidis heretable Baillies and Stewardes ſall be their immediat tennents, and vaſſalles of their ſaids offices: after the forme and tenour of their infeſtments, and for doing of the ſervice ſpecified in the ſame.

Their juriſdiction.

26 Further the ſaidis heretable Baillies and Stewards, ſall notwithſtanding the ſaid annexation, have the ſame

ſame libertie, power and Juriſdiction, quhilk they had before in actiones and maters Civill: And be the ſaid annexation, there ſall na furder power, juriſdiction or authoritie, apperteine to our ſaid Soveraine Lordis Schireffes, nor accreſce unto them: Bot their ſaid power and juriſdiction, ſall remaine in the ſame Eſtaite, limitted as the ſamin is, at this preſent, according to the auncient Lawes, and conſuetude of this Realme.

27. AND Furder, the ſaid heritable Stewart or Baillie of the ſaid Regality, ſall have the ſame power quhilk he had before, to replege from the Schireffe or his deputes, in all cauſes and actiones criminall or Civill, quhair replegiation was granted of before; And gif the ſaid Schireffe and his deputes refuſis to admitte the ſaid replegiation, he and his deputes ſall be puniſhed therefore, and his proceſſe led in the contrair, ſall be of nane availe. And in cauſes criminall, the ſaid Baillie or Steward of the Regalitie, ſall be Judge competent in all maner of crimes, quhairin the Lord or Baillie of the Regalitie was accuſtomed to be Judge in times by-paſt. And albeit our Soveraine Lordis Juſtice generall, Lieu-tennent, or Juſtice in that part, be ſpeciall commiſſion, ſummound the offender, indweller of the Regalitie, to compeir before them, to underly the Law for the crime, for the quhilk he ſall be delated; The ſaid Baillie or Stewart of the Regalitie, ſall have power to replege fra our ſaid Soveraine Lords Juſtice foreſaid, to his awin court; in caſe he have prevented be apprehending of the offenders perſon; or be his Summoundes, firſt directed and execute againſt the offender, before our ſaid Soveraine Lordis Juſtice, apprehended the perſon ſuſpected or delated for the offenſe and crime: Or execute ſummoundes upon him, to underly the Law therefore. Bot our ſaid Soveraine Lordis Juſtice generall Lieu-tennent, or commiſſioner ſall be Judge competent, in-caſe of prevention upon his part, be the apprehenſion of the treſpaſſour, or firſt execution of the ſummoundes againſt him, and in that caſe the ſaid Baillie and Steward of Regalitie, ſall have na power to replege; Bot gif he pleaſis, he ſall be adjoyned to the Kingis Juſtice, and Judge with him. And in-caſe of conviction, the ſaid Baille and Stewart heritable, aſſiſtand to the Judgement, ſall have ſik part of the eſcheit, as he may claime be vertue of his Office, and infeftment given to him there-upon. And it is alſwa decerned, ſtanute and ordained, that na Baillie nor Steward heritable, of ony Regalitie, ſall hereafter be heard to replege fra our ſaid Soveroine Lordis Juſtice air, halden be his Juſtice generall: Bot he ſall be adjoyned, gif he pleaſis, to the Kings Juſtice, and ſall have ſa-meikle of the un-law and penaltie of the perſones delated, as he aucht to have be the richt of his infeftment.

Of weire-fare and weapon-ſchawinges.

28. IN Like maner, it is ſtatute, that in all hoſtes and armies, the inhabitantes of the landes within the ſaidis Bailleries and Stewardries, ſall be under the commandement of the ſaidis Baillies and Stewardes heritable, in ſik maner as they were woont to aſſemble, with the ſaidis Prelates and Baillies, in time by-gane. As alſ ſall give muſters at rheir weapon-ſchawinges before them, according to the Acte of Parliament, under the paines conteined therein, to be up-lifted to the ſaidis Baillies and Stewardis uſe.

Exceptions.

29. And Mair-attour, it is ſpeciallie provided, that notwithſtanding of the annexation of the temporalities of benefices to the Crown: Zit the conventuall brether, of the Abbay of *Dumfermeling*, ſall na wayes be prejudged and hurt anent their *Livinges*, Portiones, penſiones, zairdes and dewties of the ſaid Abbay: Bot that they and everie ane of them may peaceablie bruik, joyis and uplift their portiones, penſiones, livinges, zairdes and deuties of the ſame Abbay, during their life-times; Conforme to their giftes ſpeciall aſſignations thereof, and to OUR SOVERAINE LORDS ratification and confirmation there-upon in all poyntes.

30. THE Quhilk day, OUR SOVERAINE LORDE, ſittand in Judgement in plaine Parliament, be his declaration maid in preſence of his three Eſtaites, ſaved and reſerved to himſelfe, libertie and priviledge to except and reſerve foorth of the Actes, of the annexation of the Temporalities of benefices to the Crown, of the diſſolution of the temporalities annexed, of his hienes revocation generall, and of the ratification of the pacification, and abolition, all ſik perſones, cauſes and matters, and with ſik proviſiones, limitationes and reſtrictiones, as to his Majeſtie ſall ſeeme expedient. Quhilkis his Hieneſſe ordainis and commandis his Clerke of Regiſter, to inſert and incorporate within the bodies of the ſaidis Actes. The ſamin exceptiones and reſervationes being delivered to him, ſubſcribed be his Hieneſſe, and his Chancellar, before the fifteenth day of Auguſt nixt-to-cum.

31. AND Further, OUR SOVERAINE LORD, According to the libertie and priviledge ſaved to himſelfe, ſittand in Judgement, in plaine Parliament, hes excepted foorth of the ſaid generall annexation, the Temporalities of the Abbacies of *Coldinghame*, and *Kelſo*, and Celle of *Leſmahago*: Declaring them as zit to remaine with the ſaidis Abbaies and Celle, in the ſamin eſtate, quhairin they then were. And that they were not comprehended in the annexation foreſaid: Bot to remaine with them quhill furder ordour be taken. And hes declared, that it ſall be lauchfull to his Hieneſſe, to uſe the ſuperioritie and few-fermes of the landes of *Lethame*, lyand within the Schireff-dome of *Fiffe*; Being a parte of the Patrimonie of the Biſchopprick of *Saint-Andrewes*: All and ſindrie the landes and utheris, after ſpecified, quhilkis ar ane parte of the Patrimonie of *Lincluden*: They ar to ſay, the five marke-lande of little *Dryburgh*: The five marke-lande of *Drum-jarg*: The five marke-land of *Ernphillane*: The five marke-lande of *Ernecrage*: The five marke-land of *Blarome*: The five marke-land of meikle *Dryburgh*: The five mark-land of *Chapmantoun*: The five mark-land of *Blacherne*: The five mark-land of *Erneminzie*: The five mark-land of *Culnotrie*: The corne milne of *Corſ-Michael*: The five marke-land of *Garrantoun*: The twa mark-land & ane halfe of *Black-parke*: All lyand within the Barronnie of *Corſ-Michael*, & Stewartrie of *Kirk-*

Kirkcudbright. The fifteene ſchilling land of *Staikfurde:* The fourtie ſchilling lande of *New-toun:* The mark-land of *Clunie*, and *Skellingholme:* the ſex mark-land of *Carrauchtie:* The ſex mark-land of *Drumganis:* The five marke-land of *Troqueir:* The mark-land of *Stocholme:* The five mark-land of *None-land:* The five mark-land of *Cruif-ſtanes:* The ſex mark-land of *Holme:* The twentie ſchilling land of *Maricholme:* The four mark-lande of *None-holme:* All lyand within the Barronnie of *Drumſleith*, and *Stewartrie* foreſaide. Togidder with all Caſtelles, Towers, Fortalices, Manour-places, houſes, Bigginges, Orchardes, Milnes, Zairdes, Wooddes, fiſchinges, partes, pendickles, annexes, connexes, out-ſettes, tennentes, tennendries, and fermes of few-fermes, canes, cuſtomes, ſervices, caſualities, and uther commodities quhat-ſum-ever.

32 And gif it ſall happen, OUR ſaid SOVERAINE LORD, to diſpone ony of the landes, Milnes, and fiſchinges of the ſaid Proveſtrie, quhilkis ar comprehended in the ſaid annexation: Or quhilkis ar now excepted and reſerved, as ſaid is, and ſall be hereafter dimitted in his Hieneſſe handes, be the Proveſt and Prebendaries theirof; THAT Gif his Hieneſſe converted the fermes, or victual in ſilver; The ſame ſall be na diminution of the rental, or cauſe of reduction of the ſaidis infeftmentes, to be maid thereof.

33 And als hes declared, and declaris, that it ſall be lauchfull to his Hieneſſe, to uſe the ſuperioritie and few-fermes of the landes of *Lurg*, and *Kincardin*, with ſeventene aiker of land, quhilkis landes ar of the Abbacie and Lord-ſhippe of *Culroſſe:* And the preceptorie of SAINT-ANTONIS in *Leith:* And Chaplanarie of SAINT-JAMES, at the *New-haven*, landes, teyndes, and annualles of the ſame, as ſall ſeeme gude to his Hieneſſe. AND Als declaris, that notwithſtanding the ſaid annexation, appoynted to take effect, in maner foreſaid, at the Feaſt of *Martine-mes*, nixt to-cum; That Maiſter ROBERT DOWGLAS, Proveſt of *Lincluden*, and WILLIAME DOWGLAS, Sonne to the Laird of *Drumlangrig*, his ſucceſſour, ſall bruik the fruites, profites and dewties of the ſaid Proveſtrie, during their lifetimes, in the ſame maner as they did before.

34 AND Alſwa Ratifies and appreivis the proviſion maid to JAMES DOWGLAS, Sonne to the Laird of *Drum-lang-rig*, of the Proveſtrie of *Lincluden*, And that the act of diſſolution, ſall be extended in his favour, declaring the ſame proviſion to be ſufficient, for bruiking and joyſing of the ſaid Proveſtrie, and haill profites thereof: Notwithſtanding, quhat-ſum-ever Actes, conſtitutiones or lawes, Civil or municipal, maid in the contrair, diſpenſand therewith, and effect theirof.

35 AND SIK-LIKE Excepts foorth of the ſaid annexation, The landes and utheris under-written, quhilkis ar an part of the patrimonie of *North-Berwicke:* They ar to ſay, all and haill, the place quhair the Abbay Kirk and Cloiſter of *North-Berwick* ſtude of before, quhilk is now ruinous, and was na Paroch Kirk. And als all and ſindry the lands of the heuch of *North-Berwick-Law*, the *Law*-meedow. The milnes of *Kinkeith* with the croftes thereof, the uther four croftes of land, ſum-time occupied be ROBERT HUME of *Heuch*, with their pertinentes, lyand on the South ſide of the Burgh of *North-Berwicke*. All and haill the *Weſt* part of the Toun of *North-Berwike*, called the *Nunne-gate*, lyand upon the Weſt-ſide of the burne, called the *Clartie-burn* with all and ſindrie Landes, tenementes, houſes, Bigginges, out-ſettes, tailles, barnes, zairdes, and utheris pertinentes thereof. All and haill, the twa husband-lands in *Bone-ſtoun*, with their pertinentes. All lyand in the Schireffedome of *Edinburgh*, and Conſtabularie of *Hadingtoun*. All and haill the landes of *Montcreiſe*, the landes of *Alderny*, The landes of the *Grange*, with their pertinents, all lyand within the Schireffedome of *Fiffe*, with houſes, bigginges, manſiones, fortalices, zairdes, Orchardes, fermes of few-fermes, tennentes, tennendries, pairtes, pendickles, and pertinentes, of all and ſindrie the foreſaids lands. Quhilkis his Majeſtie declaris, are not, nor ſall not be comprehended in the ſaide Annexation.

30. *Diſſolution of annexed Landes, for ſetting of the ſamin in few-ferme.*

FORSAMEIKLE, As for great and weightie conſiderationes tending to the weill of the Crown, and of the haill Realme, There is diverſe landes and Lord-ſhippes of auld and of lait annexed, to remaine with OUR SOVERAINE LORD, and his ſucceſſours, Quhilkis may not be diſponed nor annalied, in fee or life-rent, to quhat-ſum-ever perſone or perſones, without the adviſe of the three Eſtaites of Parliament, and for profitable and ſeene cauſes, for the weill of the haill Realme: And nevertheleſſe it hes bene thocht expedient in the dayes of our Soveraine Lordes maiſt Noble predeceſſours, that his ſaid annexed and proper Landes, ſuld be ſet in few-ferme, for increaſe of policie their-upon, and augmentation of the rental. And to the effect that the ſaidis Lands micht be ſet in few-ferme in maner foreſaid: Our ſaide Soveraine Lordis Predeceſſours and three Eſtaites of Parliament, hes bene in uſe to diſſolve the ſaids Annexationes. And therefore our ſaid Soveraine Lord, and three Eſtaites of Parliamente, finding it now expedient, and profitable for his Hienes, That divers of the ſaidis annexed lands, within ſindrie Schireſdomes and Lordſhippes be ſet in few-ferme, for augmentation of his zeirlie rental, and for increaſe of policie, as ſaid is. Therefore they have diſſolved, and diſſolvis the ſaid union and annexation, to the effect abone ſpecified allanerlie, And will that the ſame be extended to the Lands underwritten, quhidder they be annexed to the Crown to the principalitie of this Realme; Or to the Kingis ſecond Sonne.

Providing alwayes, that albeit the landes of the Erledome of *Roſſe*, and Lordſhip of *Ardmannoch*, quhilkis

quhilkis ar appoynted to remaine with our ſaid Soveraine Lords ſecond Sonne, be ſett in few-ferme be vertue of this diſſolution: The ſamin ſall na wayes be annallied, diſponed, nor put awaye fra our ſaid Soveraine Lordis ſecond Sonne: Bot the ſame landes and profites thereof, albeit they be hereafter ſett in few-ferme, ſall remaine in propertie with him, after the forme of the Acte, maid be King *James* the Thrid, our Soveraine Lordis maiſt Noble Predeceſſour. And als providing that this preſent diſſolution, ſall ſtand during the dayes of our ſaid Soveraine Lord, that now is allanerlie. Swa that what Landes, his Hienes in his time ſettis in few-ferme, to quhat-ſum-ever perſon or perſones, for augmentation of his rental, as ſaid is, the ſamin ſall abide with the ſaidis perſones, their aires and ſucceſſoures in few and heritage for ever. And after our ſaid Soveraine Lordis deceaſe, the annexation of the remanent landes, not ſett in few in his Hienes times, ſall returne to their awin nature. Thir ar the names of the landes to the quhilk this preſent diſſolution is, and ſall be extended. They ar to ſay, The landes of the Erledome of *Roſſe*, and Lordſhippe of *Ardmannoch*, The landes of the Erledome of *Orknay*, with the *Iles* perteining thereto: The landes annexed to the Crown, lyand within the Schireffedome of *Edinburgh*, and Conſtabularie of *Hadingtoun*: The Friers lands of *Aberdene*, quhilkis were before diſponed to *George* Erle *Merſchel*: The landes and Lordſhippe of *Menteith*, diſponed to *James* Lord *Doun*: The landes and Lordſhippe of *Galloway*, aboue and beneth *Cree*. The Erledome of *March*, and the Lordſhippe of *Ettrick Forreſt*.

31. THE KINGIS GENERAL REVOCATION.

WE JAMES, Be the Grace of GOD King of *Scottes*, being now of perfite age, of twentie ane zeires compleit, and knowing the remeid competent to us be the commoun Lawe, and Lawes of our Realme, In revocation of all and ſindrie alienations, donations, venditiones, or utheris diſpoſitions quhat-ſum-ever, maid be us in our minoritie and leſſe age, or be our predeceſſoures in their times, in hurt and detriment of our Crown, our ſaul, and conſciences againſt all Lawes of our Realme, and theirin following the exemple of our moſt Noble Progenitoures, in their general Revocationes: And being latelie paſt our ſaid perfite age of twentie ane zeires, and ane large ſpace within our age of twentie five zeires, during the quhilk, the remeid of our Revocation is competent to us: We make our General Revocation, in maner following.

FIRST We revoke, caſſe, annull, retreit and reſcind, all and ſindrie infeftmentes, chartours, giftes, donationes, alienationes, and diſpoſitiones quhat-ſum-ever, maid be our umquhile deareſt Mother, before our Coronation: To quhat-ſum-ever perſon or perſones, in ony maner of way, in fee, few-ferme, or franck-tenement, of ony Lands, Lordſhippes, Barronnies, cuſtomes, annualles, fiſchinges, Burrow mailles or Caſtle wardes, annexed to our Crown, Offices of Juſticiarie, and Schireffeſhips within the ſamin, appertaining thereto, in contrair, the actes of annexation maid there-upon of before: And quhair lauchfull diſſolution of the ſaid annexation was not maid be our ſaid umquhile deareſt Mother, and her three Eſtaites in Parliament, in her awin time, to the effect that the ſame ſall be of nane availe in time cumming, after the dait heirof.

Landes perteining in propertie to the Crown.

AND SIK-LIKE, We revoke, annull and retreit, all and ſindrie infeftmentes, Chartours, giftes, donations, alienations, and diſpoſitions quhat-ſum-ever, fees and penſiones diſponed be us, of our ſaid annexed awin proper Landes, at ony time preceeding in our Minoritie, and leſſe age: Except the fees and penſiones diſponed to the Officiars of our Crown, their deputies and Clerkes, as hereafter ſall be excepted.

Reſervand alwayes foorth of this our Revocation, the halfe lands of eaſter *Aberlednauch*, ſet in few-ferme in our minoritie, to our truſtie ſervitour Sir *John Murray* of *Tullibardin* Knicht, ane of our Maiſters of Houſholde, And ſik-like reſervand foorth of this our Revocation, all and haill the lands of *Knocktane*, *Kildarroch*, *Kirrie-walcok*, and five marke-lande of *Kereburne*, lyand within the Schireffdome of *Wigtoun*, and kindlie poſſeſſiones to Sir *Patrick Waus* of *Barnbarroch* Knight: Swa that he and his aires may bruik the ſame, according to his infeftments theirof, daited at *Haly-rude-houſe*, the twentie day of November, The zeir of God 1582. zeires.

The principalitie.

ITEM, We revoke all alienationes and diſpoſitiones quhat-ſum-ever, of onie rentes, lands, or heritages, annexed to the Principality, or to the Prince quha is alwayes ſecond perſon of this Realme, maid be us, or onie our predeceſſoures, to the prejudice and hurt of the Prince, ſecond perſon foreſaid.

Of unannexed landes.

ITEM, We revoke, caſſe, annull and retreit, all infeftmentes, donationes, alienationes and diſpoſitions, granted be us, our Regentes and Governours for the time, in our minority and leſſe age; To quhat-ſum-ever perſon or perſones in fee, few-ferme, lyfe-rent, or utherwayes, of all uthers Landes, rentes, annualles and revenues, not annexed to our Crown, quhilk our umquhill deareſt Mother had in her poſſeſſion before our Coronation. And of all offices ſik as Chalmerlaneries, and Baillieries, and of the Office of cuſtomarie, maid for maa zeires but fra checker, till the compt be maid in the checker after following, Conſtabularies, and Bailleries of our proper lands and Caſtelles. And als we revoke and annull all rentalles, aſſedationes and takkes of our proper Landes and rentes, maid be us our Governours and Regents, in our minoritie, abone the ſpace of five zeires.

Of offices.

Rentalles, takkes of the propertie.

Of annexed landes.

ITEM, We revoke, retreit, reſcinde and annull, all and quhat-ſum-ever infeftmentes or rentalles of few-ferme,

few-ferme, of quhat-ſum-ever our proper Landes, annext to our Crown, maide to quhat-ſum-ever perſones, be us in our minority, or be our predeceſſoures heretofore, quhilkis are maide in diminution of our rental, and hurt of our patrimonie, quhair the diminution may be verified and proven.

ITEM, We revoke, reſcind, retreit and annull all and quhat-ſum-ever infeftmentes, diſpoſitions and alienationes, maid be us, our Governours, and Regentes in our minorities, or be onie of our predeceſſoures in their times, of the few-ferme victual of onie Lands and Lord-ſhippes, perteining to our Crown, quhilk were lauchfullie ſet in few before, for payment of the few-ferme victual, and the ſame few-ferme victual is ſet in few thereafter, for ſilver payment. Becauſe the ſetting of the few-ferme is clearelie underſtand to be to the great abuſe, hurt, and diminution of our Patrimonie and rent. *Feudifermæ feudisfermarum.*

ITEM, We revoke all infeftmentes, alienationes and diſpoſitions, maid to quhat-ſum-ever perſones of our Caſtelles and houſes, the places and roumes, quhair-upon our Caſtles and houſes war ſituat, and now are demoliſched in our minority and leſſe age. And ſik-like all infeftmentes, alienationes and diſpoſitiones of quhat-ſum-ever our Medowes, Wooddes, and Parkes, with all takkes, aſſedationes and uther diſpoſitions theirof, ſet be us, our Regentes and Governours in our minoritie as ſaid is. *The Kingis Caſtelles & houſes.*

ITEM, We revoke all and ſindrie infeftmentes, alienationes, giftes, and diſpoſitiones quhat-ſum-ever, maid be us, our Governours and Regentes in our minority; To quhat-ſum-ever Perſons, in fee, few-ferme or life-rent of all Lands and annual-rentes; Quhilkis become in our hands, as propertie be richt of our Crown; Through baſtardry, or we being laſt aire, be reaſon of recognition, forefaltour, or utherwayes, with all confirmationes, gif onie be granted in Parliament their-upon. That the ſaids lands may returne in propertie to us and our ſucceſſours in time cumming. And nevertheles be this head and Article of this preſent Revocation: We declaire, decerne, and ordaine: That nane of the Lord-ſhippes, lands and Barronnies that become in our hands, be reaſon of the fore-faltours, Quhilks were retreited, and reſcinded be the pacification concluded at *Perth*, the three and twentie daye of *Februar*, The zeire of God, ane thouſand, five hundreth, threeſcoir twelfe zeires, and ratified and appreeved in our Parliament, halden at *Haly-rude-houſe*, the laſt day of April, The zeir of God, ane thouſand, five hundreth, threeſcoir thirteene zeires: And be the Pacification maid in our Parliament halden at *Linlithcow*, in the great hall of the Palice theirof, The tenth day of December, The zeire of God, ane thouſand, five hundreth, fourſcore five zeires: Sall abyde and remaine with us and our ſucceſſoures: Bot the ſame ſall returne to the richteous heritoures theirof, and uthers havand intereſt to the ſame. Sik-like as gif the ſaids forefaltours had never bene led. And to that effect we preſentlie diſſolve the annexation of all landes united to our Crown, and alledged to have fallen in our handes, be reaſon of the ſaids forefaltoures, quhilkis ar retreited, as ſaid is. And ſik-like we reſcind the annexationes maid in our deareſt Gudſchirs time of all landes that bee come in his handes, Or in the handes of his Predeceſſoures, be quhat-ſum-ever Proces of forefaltour, quhair the ſaid forefaltour is reduced, and declaired to be of nane avail. *Baſtardrie, recognition, laſt air, forefaltour.*

ITEM, Wee revoke all tailzies, maide be us in our minority and leſſe age, fra the aires general to the aires maill, of onie landes within our Realme, againſt the Lawe and gude conſcience, quhair the ſaidis Landes were diſponed before to the aires quhat-ſum-ever, and the ſaidis infeftmentes, changed be reſignation in the ſame perſone, and to his aires maill. *Tailzies.*

And wee declaire that new conqueſt tailzied in our ſaide minoritie and leſſe age, Sall nawayes cum under this our Revocation: Becauſe it is not againſt conſcience, that onie perſon, quha acquires the richt of onie Heritable Landes, may take the ſame to ſik aires as he pleaſis.

ITEM, Wee revoke, reſcind and retreit, all new infeftmentes given be us: Or onie of our ſaidis Governours and Regentes in our minoritie, of onie Landes and Lord-ſhippes in BLENCH-FERME, that were halden of us, and our Predeceſſoures, before be ſervice of Warde and reliefe: Bot prejudice alwayes to the heritable poſſeſſoures: That they ſall bruik their ſaids landes heretablie: as they were halden before the ſaid infeftmentes, maid in our minoritie. *Blenchferme.*

ITEM, We revoke all Regalities, and confirmationes of Regalities, given be us in our minority and leſſe age, or onie of our Predeceſſoures before; againſt the Actes and ſtatutes, that na Regalitie ſuld be given in heritage without the adviſe and deliberation of the haill Parliament. And ſik-like we revoke all giftes, and infeftmentes of quhat-ſum-ever Office given heritablie, to quhat-ſum-ever perſones, be us our Governours, and Regentes in our minoritie, and leſſe age as ſaid is. *Regalities. Heritabil offices.*

ITEM, We revoke all new creation of landes, Barronnies, annexations and uniones of diverſe Landes in fee, quhilkis ar made in our minoritie, in prejudice of our dew ſervice, aucht to us and our Progenitoures of before, and ſik-like we revoke all diſcharges, given be us in our ſaid minority, of ſervice of ſuites of Courtes, aucht of auld to our Progenitoures foreſaidis. *Creation & unions in Barronnies. Suites of Courtes.*

ITEM, Wee revoke all new inſtmentes maide and given in our ſaid minoritie, of Creation of Barronnies, in the Lands and Lordſhippes annexed to our Crown.

ITEM, We revoke all infeftmentes, giftes, and diſpoſitiones quhat-ſum-ever, ſet, given and granted be us in our minority, to quhat-ſum-ever perſone or perſons, in fee, few-ferme or life-rent, of quhat-ſum-ever Hoſpitallis, maiſon-dieus, landes or rentes apperteining theirto, in hurt and prejudice of our conſcience, to the end that the ſaids Hoſpitalles may be reduced to the firſt inſtitution, for uphalding of the puir. Proviſing alwaies that the rentes of the Hoſpital of the *Trinitie Colledge* beſide the Burgh of *Edinburgh*, quhilk *Hoſpitalles.*

quhilk is now decayed, aſſigned and given to the new Hoſpital, erected be the Proveſt, Baillies, and Counſell of the Burgh of *Edinburgh*, be na-wayes comprehended under this preſent Revocation.

Preſentationes. ITEM, It is alwayes underſtand, like as we be thir preſentes declaire that the tennandries halden of uther ſuperiours, be cummin in our handes, be eſcheit, as laſt aire, be forefaltour ſtandand, or be baſtardrie, The preſentationes or infeſtments following their-upon, cummis not under our revocation. Becauſe the ſame being caſualities, could not remaine in our hands, in prejudice of the ſuperioures of the ſaidis tennandries: Bot of neceſſitie it behooved us to preſent heritable tennents, to the ſuperiors of the ſamin.

Caſualities. ITEM, Wee have deepelie conſiddered the eſtait of caſualities, dailie given and diſponed throw importunitie of askers, in ſik exceſſive maner, That difficil it is to enterteinie the daylie and ordinar expenſes of our Eſtaite and Crown: Howbeit the occaſion of charges, herewithall continuallie increaſis. And we and our Eſtaites conſiddering that our caſualities aucht not to be ſa inordourlie and inconſideratlie diſponed, at the importune ſuite of all askers, bot our commoditie maid thereof, and ſik diſcretion had in diſpoſition of the ſame, as we may continuallie live upon our awin.

Therefore, we with adviſe of our ſaidis three Eſtaites, and haill bodie of this preſent Parliament, revokis, reſcindis, caſſis, annullis, and diſchargis all giftes of fees, penſiones, wages, liveries and diſpoſitions, out of our caſualities and coffers, given be us with adviſe of our Regentes for the time: or be our ſelfe, ſen the acceptation of the Governement of our Realme in our awin perſon, declaring the ſame to be null, and of nane avail, force nor effect in time cumming: diſchargeing our Theſaurers preſent and to cum, of all payment making of the ſaidis fees, penſiones, wages, liveries, and utheris things appoynted to be payed foorth of our caſualities, of the terme of *Whit-ſunday* laſt by-paſt, or hereafter in time cumming: Exceptand alwaies the fees and penſions, given to the ordinar Officiars of the Crown, their deputes and Clerkes, quhilkis we will, ſall not be comprehended in this our general revocation: They ar to ſay, the fees and penſions given and aſſigned to our Theſaurer, his deputes and Clerkes: To our Secretar and his depute: Our Collectour and his Clerk and procuratour: Our Juſtice, Juſtice-Clerk, and their deputes, Advocat, Procuratour for the puir, Maiſter of Requeſtes: Our Clerk of Regiſter, Director of the Chancellarie, and Director of the Rolles: Quhilk we decerne and declare, ſall ſtand in force and effect; Notwithſtanding this our preſent Revocation.

Thrids of Beneſices. ITEM, We revoke, retreit, caſſe and annull, all and quhat ſum-ever giftes, penſions and free diſcharges of the thrids of benefices within our Realme, granted ſen our Coronation, be us, our Governours and Regents in our Minoritie and leſſe age: And we decerne the ſame to be of nane availl, in all time hereafter: And ſik-like, we revoke all takkes of the thrids of benefices, ſet be us in our minoritie and leſſe age, quhairby the dewtie is diminiſhed: Or quhair we have ſett the haill benefice, in diminution of the thrid thereof: And we proteſt, that quhat-ſum-ever we have done to the detriment, hurt and prejudice of our thrid, and of the miniſterie, in our minoritie, or les age, that the ſame may be reduced, as accordis of the Law.

Kirk-landes. ITEM, We revoke all and quhat-ſum-ever infeftmentes, maid be us in our Minoritie, our Governours and Regents in our name, of onie Kirkes landes, Friers landes, Nunnes landes, or commoun landes, quhilkis oniewaies fell and become in our handes, as our propertie: Except the infeftmentes, maid be our umquhile deareſt Mother and us, for erection and ſuſtentation of Hoſpitalles, and Miniſters within Burrowes, quhair there is na aſſignation nor ſtipend allowed, foorth of the thrids of benefices, for ſuſtentation of the Miniſters thereof.

Commoun Kirkes. ITEM, We revoke all takkes, aſſedationes, and utheris diſpoſitiones quhat-ſum-ever, of onie commoun Kirkes within our Realme, maid be us in onie time by-paſt: to the effect that the ſame may returne to us, unto the time that furder ordour be taken. Providing alwaies that at the ſaidis commoun Kirkes, there ſall be Miniſters appoynted to ſerve and make reſidence, and ſall be ſuſteined of the readieſt fruites theirof, according as ſall be modified.

Monkes portions. ITEM, We revoke all giftes of Monkes portions, firſt fruits, or fifth penny of ony benefices, quhairunto we have richt be our Actes of Parliament, maid of before there-anent.

Patronage of Kirks. ITEM, We revoke all giftes and infeftmentes, maid be us in our Minoritie, of quhat-ſum-ever advocation, and donation, and richt of patronages, given or annexed to ony Lordſhippe, Land or Barronie, quhair the ſaid Patronage, advocation, donation of benefice, perteined nocht of richt of before, and quhilk takkis the beginning and ground fra ony gift and infeftment thereof, maid in our Minoritie, as ſaid is, be this clauſe, *de novo damus*, quhair the purchaſer of the ſaid infeftment, had na richt to the ſaid patronage, advocation and donation before.

Super-plus and omitted foorth of the thrids. ITEM, We revoke all giftes of ſuper-plus, and omitted of the fruites of benefices, given and diſponed be us, our Governoures and Regentes in our name, and in our Minoritie.

AND Generallie, we revoke, caſſe, annull, retreite, and reſcind, all and quhat-ſum-ever thinges done be us, our Governours and Regentes of our Realme, in our Minoritie and leſſe age, in detriment and hurt of our ſaul and conſcience, Hurting the Priviledge of our Crown, prejudicial to the ſame, and to us, in our patrimonie of the ſame, and quhat the Law and conſuetude of our Realme, leivis us to revoke. And this our Revocation, we ordaine to be of als great effect, and als largelie extended in general, and in ſpecial, as onie revocation maid be our Progenitoures, before the daite hereof: And ſpeciallie, the revocation, maid be our umquhile deareſt Mother, and umquhile our deareſt Gud-ſchir, King JAMES the Fifth, of gude memorie, and his Predeceſſoures quhat-ſum-ever, conteined in our buikes of Parliament: Quhilkis in all heads,

heads, clauſes and circumſtances thereof, we hald as herein expreſſed. And als we ordaine, and deeerne this our ſaid Revocation, to be ſimple and abſolute, without ony exception, reſtriction, or limitation, to be admitted againſt the ſame, further nor therein is conteined. And to that effect, we annull and reſcind, quhat-ſum-ever exceptions maid in favours of quhat-ſum-ever perſones, in onie of our Revocationes maid in Parliament, or utherwaies, at onie time preceeding the dait hereof.

AND We ſolemnelie ſweare, in preſence of our ſaidis three Eſtaites, be our great aith, preſentlie given, at this our firſt Parliament, halden after our perfite age of twentie ane zeires complete, And as we were obliſhed to haye done, in-caſe we had bene of perfite age at our Coronation: That we ſall faithfullie obſerve and keepe the ſtatute and acte of Parliament, maid in the daies of our maiſt Noble Predeceſſour, King JAMES the Second, anent the keeping and reteining of the Landes, Lord-ſhippes, and Barronnies, annext to the patrimonie of the Crown, in all poynts aud clauſes thereof.

ALS We proteſt be thir preſentes, that gif it ſall happen us, for onie reſpect or conſideration, to ſuffer ony perſon or perſons, to uſe or poſſeſſe onie Priviledges or poſſeſſiones, landes, rentes and offices, quhilks ar fallen under our Revocation: It ſall make na richt to the uſers nor halders thereof: Bot it ſall be leſum to us, and our Succeſſoures, to put our hands thereto, quhen ever it ſall pleaſe us, be vertue of this our Revocation, acts and conſuetudes of our Realme, maid of before; But onie obſtacle, impediment, or contradiction.

32. *Explanation of the Act maid anent deprivation of Miniſters.*

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, having conſiddered the act maid in the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, ane thouſand, five hundreth, fourſcoir, four zeires, anent deprivation of Perſons, provided to benefices of cure, under Prelacies, for none-reſidence at the Kirks of their benefice, and that it ſuld be compted none-reſidence to be abſent fra their function four Sabboth daies in the zeir: Be quhilk Act commiſſion is granted to certain Eccleſiaſtical perſones mentioned therein; To call and conveene before them, the perſones delated and ſuſpected as non-reſidentes, or for uther cauſes mentioned in the ſaid Acte, quhilks neceſſarlie requiring explanationes, and doubtes dailie fallen out there-upon. Therefore declaris, ſtatutis and ordainis, that the ſaid Acte and commiſſion directed there-upon, is, nor at na time hereafter ſall be extended, againſt onie of the Lordes of ſecreete Counceil, or Senatours of the Colledge of Juſtice, or their members, occupied, or daylie attending on his Hieneſſe neceſſary ſervice: Or againſt ony perſons being foorth of the Realme, be his Hieneſſe licence, and employed in his ſpecial ſervice, during the time of their abſence. Quhilkis notwithſtanding, ſall be aſtricted and halden to ſuſteine qualified Miniſters at their Kirkes in their abſence. Neither ſall the ſaid act and commiſſion be extended againſt ſik Perſones, as were provided to Benefices of cure, under Prelacies, being laick Patronages, before the making of the ſaid Acte of deprivation for non-reſidence, and uther cauſes ſpecified therein: Bot that the haill Perſones bruikand benefices, in caſes before declared, ſall enjoy and poſſeſſe their benefices during their life-times, ſuſtenand the miniſtrie, according to ſik ordour, as is taken, or ſall be taken their-anent: As gif the ſaid Act and commiſſion had nocht bene granted. And that alwaies ſik Perſons, as hes received benefices, and bene collationat, upon condition to ſerve in the function of the Miniſtrie, and to make reſidence, and zit failzies their-intill, ſall be ſubject to the judgement of the ſaid Acte and commiſſion.

33. *Anent the Parliament.*

OUR SOVERAINE LORDE, Now being of lauchfull and perfite age, and conſiddering the decay of the forme, honour and Majeſtie of his ſupreeme Court of Parliament, be occaſion of the troubles that hes occurred, ſen the deceaſe of his deareſt Gud-ſchir, King JAMES the Fifth of worthie memorie, and willing to reſtore the ſame to the auncient ordour, dignitie and integritie, hes thoucht expedient, and be adviſe of his three Eſtaites aſſembled in this preſent Parliament, ſtatutis and ordainis, as ſollowis.

THAT There ſall be na confuſion of perſones of the three Eſtaites: That is to ſay, na perſon ſall take upon him, the function, Office or place of all the three Eſtaites, or of twa of them: Bot ſall only occupy the place of that ſelfe eſtait, quhairin he commonly profeſſis himſelfe to live, and quhairof he takis his ſtile.

34. *The unlaw of abſentes fra the Parliament.*

THAT In-caſe ony Erle, Lord or Barron of Parliament, Prelate, or Burgh, being lauchfullie warned, abſentis themſelves fra Parliament without lauchfull and ſufficient excuſe, admitted and allowed be the Lords of the artickles: Our Soveraine Lord, and his three Eſtaites, preſentlie conveened, hes ordained, and ordainis, that ane pecunial paine ſall be modified and tane of everie ane of the non-compeirances, in maner following: That is to ſay, of everie Erle, three hundreth pundes: of everie Lord, 200. pundes: of everie Prelate, 100. pundes, and of everie Burgh, 100. markes. And that ſik as accompanies nocht the Kingis Majeſtie, on horſ-back decentlie, with ſute-mantilles, from his Hieneſſe Palice, to the Parliament

houſe, ſall be repute for abſentes, and incurre the ſame paines, as gif they were abſent. And letters ſall be directed to poynd and diſtreinzie their lands or guddes therefore: Or to pay the ſame within ten dayes, under the paine of Rebellion, and gif they failzie, to put them to the horne, that the ſame paines may be inbrouchr to our Soveraine Lordes uſe.

35. *Herauldes, Purſevantes, Maiſſeres, Trumpettors committand fault.*

GIF Onie of the ordinar Herauldes, Maiſſers, or Trumpettors, ſall be noted abſent from the Parliament: Or being preſent, performis nocht that quhilk becummis them of dewties, without lauchfull excuſe maid and allowed, as ſaid is, everie ane of them being noted, ſall amitte and tyne ane zeires ſee, for the firſt fault: and for the ſecond fault ſall be deprived.

36. *Of apparell of the Eſtaites.*

THAT everie Eſtait ſall have three ſeveral apparelles in ſeemelie faſhion, conforme to the patron thereof: Quhilk the Kingis Majeſtie ſall cauſe make, and command to be obſerved, under the paine of twa hundreth pundes, of the perſone failzieand, and debarring of them furth of the Parliament houſe.

37. *The number of the Lordes of the Artickles.*

ITEM, That the number of the Lordes of Artickles, be equall in ilk Eſtaite, and that the feweſt number of everie Eſtaite be ſex, and the maiſt number ten.

38. *Procuratours may compeir for all perſons accuſed.*

ITEM, That na Advocate, nor Præloquutour, be nawaies ſtopped, to compeir, defend, and reaſon for onie perſon, accuſed in Parliament for treaſon, or utherwaies: Bot that quhat-ſum-ever partie accuſed, ſall have full libertie to provide himſelfe of Advocates, and Præloquutoures, in competent number, to defend his life, honour and land, againſt quhat-ſum-ever accuſation: Seing the intending thereof, ſuld not prejudge the partie of all lauchfull defenſes: as gif it were *pro confeſſo*, that the accuſation were trew, annulling all actes maid in the contrair hereof before.

39. *Deciſion in Parliament, may not be impugned be inferiour Judges.*

NA Fore-ſaltour, lauchfullie and ordourlie led in Parliament, nor na deciſiones paſt in Parliament, betuixt partie and partie be proces, after cognition of the cauſe, ſall be called in queſtione be ony inferiour Judge.

40. *The ordour of Parliament, ſuld be inviolablely obſerved.*

OUR SOVERAINE LORDE, with adviſe foreſaid, declaris, ſtatutis and ordainis, that the ordour abone written, ſall be inviolablie obſerved in all time cumming, as the neceſſar and lauchfull forme of all Parliamentes, and faithfullie promittis to do, or command na thing, quhilk may directly, or indirectly, prejudge the libertie of free voiting and reaſoning of the ſaidis Eſtaites, or ony of them in ony time cumming.

41. *Contention for prioritie of place, or vote in Parliament, ſuld be puniſhed.*

FORSAMEIKLE As in divers Parliamentes, halden be OUR SOVERAINE LORD, And his maiſt Noble Progenitoures, ſindry queſtiones hes bene amangſt Noble-men, and uthers of the Eſtaites for prioritie of places, and voites in Parliament, and there-upon ſum-times querrelling to the diſturbance of the ſupreeme Courte of Parliament, quhilk aucht to proceede with greateſt honour and quietneſſe. FOR remeid quhairof in times cumming: It is ſtatute and ordained, be OUR SOVERAINE LORD, with adviſe of his three Eſtaites of this preſent Parliament: That nane of his Eſtaites, ſall preſume in time cumming, to make querrell or provocation of trouble to uther, for prioritie of places, or voites in Parliament, utherwaies nor be ſupplication: And content them with the ordour and direction of his Hienes, and his ſaidis Eſtaites, ay and quhill their final deciſion of controverſie, under the paine to be repute and halden, as diſturbers of the publick peace and quietnes of the Realme, And to be grievouſlie puniſhed theirfore, at the diſcretion of his Hienes, and Lordes of the Artickles aſſembled, at that Parliament.

42. *Actiones of moleſtation, and utheris poſſeſſoures, ſuld be decided before the inferior Judges.*

OUR SOVERAINE LORD, And the three Eſtaites conveened in this preſent Parliament, ratifies, appreevis, and for his Hieneſſe and his Succeſſoures, perpetuallie confirmis the Act of the Lordes of

of Councell and Seſſion, maid anent proceeding in cauſes of moleſtation: And ordainis the ſame to take full effect and execution in time cumming; as a maiſt neceſſar and profitable Law to all his Hieneſſe ſubjectes, and the ſaid haill Acte to be inſert in the buikes of Parliament: Of the quhilk Act, the tenour followes.

AT *Edinburgh* the day of The zeir of God, 1580. zeires. For-ſameikle as the multitude of Actiones, before the Lordes of Seſſion impeſchis greatlie the ordinar courſe of Juſtice, in weightie cauſes of heritage, and utheris maters of great importance, quhilkis ar maiſt proper to be decided be the ſaidis Lordes of Seſſion, and the greateſt lett and impediment proceedis from the greate number of Actiones of moleſtatioun and troublance in the poſſeſſion of properties and communities, quhilkis were accuſtomed of auld to be decided be the Schireffes of everie Schire, Baillies of Regalities, and uthers ordinar Judges, quhair the landes lyes, and be the determination of ane Aſſiſe of the beſt and worthieſt of the Cuntrie: And the ſaidis Lordes be dailie experience, underſtanding perfitelie, quhat ſtop and hinder the ſaidis maters poſſeſſour, ar to the expedition of uthers weightie cauſes, how ſumpteous ſik proces ar to the parties, be bringing of the witneſſes foorth of the farre partes of this Realme: for verefieing of the ſummoundes, or exception admitted be ather partie, in the ſaid mater: And zit the trueth of the caſe is nocht thereby ſufficientlie tryed, partlie be the abuſe of the witneſſes; And partely, becauſe it is nocht poſſible to the ſaidis Lordes of Seſſion, to trie the veritie ſa weill, be examination of the witneſſes before them, as the Schireffe and his deputes, may try the ſame, be ane inqueſt of the beſt and worthieſt upon the ground. For the quhilkis cauſes, the ſaidis Lords of Seſſion hes thoucht meete and expedient, ſtatutis and ordainis, that all maters of moleſtation and troublance in properties and communities, conſiſting in the poſſeſſour, to be intended hereſter, or alreadie intended, quhairin na *Litis-conteſtation* is maid, ſall be remitted to the Schireffe of the Schire, Baillies of Regalities, and utheris inferior ordinar Judges, quhair the landes upon the quhilks queſtion ſall be mooved lyes: And to that effect, quhenſoever onie partie ſall meane them to the ſaids Lords, upon troublance or moleſtation, committed upon properties or commounties: The Lords be their deliverance, ſall direct letters, ordaining the ſaidis inferiour Judges ordinar, to take cognition therein upon ſummoundes or precepts, to be direct upon fifteene dayes warning: And the Courtes following, to bee continued fra aucht daies, to aucht daies, at the langeſt; or ſhorter, as the cauſe ſall require, at the diſcretion of the Judge. Quhilk cognition ſall be taken be this ordour. Firſt that the parties defenſes ſall be lauchfullie diſcuſſed in the place quhair the ſaidis inferiour ordinar Judges uſe to ſitt: Or that ſall be appointed unto them be the ſaidis Lordes of Councell. And gif the defenſes be all repelled; That the ſaidis Judges, after the production of the parties richtes conſiſting in writt, ſall put the haill uther poynts of the ſummonds or exception, quhilk ſall be admitted, ſwa meikle thereof, as be the ordour obſerved before, micht or ſuld have bene provin be witneſſes, to the knawledge of ane condigne inqueſt: To be elected and choſen of Perſones leaſt ſuſpect, and that beſt knawis the veritie to ane ſufficient number. The maiſt part quhairof ſall be Landed-men, haveing at the leaſt four pleuches of Lande: Or three hundreth markes of zeirlie rent unredeemable, and utheris ſubſtantious and famous honeſt Zeamen: Quhilkis Perſones ſall be taken and choſen in the Parochin, quhair the ſaidis Landes debaitable lyes, gif ane ſufficient number may be found there: And failzeing thereof, that the neareſt Parochiners nixt adjacent, admittand alwaies all objections competent againſt their perſones, as accordis of the Law.

QUHILKIS perſones of inqueſt, after they be lauchfullie ſworne and admitted, ſall have power to viſit the grounde, gif they thinke it expedient, and take all uther tryal, as they ſall thinke gude, upon their aithe and conſcience, and ſall returne their anſwere to the Judge, upon the trueth and veritie of the claime, or exception admitted, And that in face of judgement: That the ſaid Judge ordinar, may thereafter give his ſentence definitive, upon the ſaidis debates, and gif the ſaidis perſones of inqueſt commit errour in their ſaidis determination; They ſall be called, accuſed, and puniſhed therefore, *pœna temere jurantium ſuper aſſiſan*, in their perſones and guddes, according to the auncient Lawes of this Realme, and conſuetude obſerved within the ſamin.

AND Gif it happenis mutual perſute, convention or reconvention on ather ſide, to be intended, baith the parties doand their dew diligence, be intending and perſewing of their actiones *hinc inde*, before *litis-conteſtation* maid be ather of them. And all their reaſones and allegationes in the Lawe, being produced, before the mater be put to the knawledge of ane inqueſt: The Judge ſall proceede in them baith *paripaſſu*: And ſall remit the heades and Artickles of the claime precepts, ſummoundes or exception, quhilk conſiſtis *in facto*, and was accuſtomed to be verified be witneſſes, to the determination of ane aſſiſe. Quhilk ſall take cognition in baith the cauſes, quhere they cannot be denied. And the equal halfe of the ſaid Aſſiſes, ſall be taken of the perſones ſummound for ather of the ſaidis parties, and gif the number of the halfe of the Aſſiſe, may not bee had of the number ſummound be ather of the parties: In that caſe the Judge ſall take ſa monie, as wantis of utheris ſufficient aſſiſoures, albeit they be nocht ſummonded be nather of the parties: the ſamin perſones being alwaies landed-men, or being ſubſtantious, famous and honeſt zeamen, as ſaid is; And the od-man ſall be choſen be cavill. And quhair it ſall happin the Schireffe of the Schire, Baillie of Regalitie, or uther inferiour Judge ordinar, to be ſuſpect and unable to Judge the ſaidis cauſes, for deadlie feede, and uther reaſons, quhilkis may decline the Judge, or the place of judgement to be incompetent, that therewith the partie cannot have ſure acceſſe for his perſute and defenſe.

IN That caſe, the mater being mooved to the ſaidis Lordes, and found and declared be them, the uther partie being lauchfullie ſummound: they ſall appoynt unſuſpect Judges, and ane place competent, for the ſaidis cognition and determination, for the cauſes foreſaidis, be commiſſion be their Acte and ordinance: Or under the teſtimonial of the great Seale, be their deliverance. And the ſaidis Judges to be appoynted, ſall at the acceptation of the ſaidis commiſſiones upon them, make faith, nocht onelie, that they ſall dewlie and lauchfullie miniſter Juſtice in the ſaidis maters: And that they have nocht taken, nor ſall nocht take onie rewarde, profite or gude deede, fra onie of the parties, and that they have nocht made, nor ſall nocht make paction or contract with onie of them, for onie certaine ſumme, before the pley be intented, or during the dependance thereof, and the aithe of the ſaidis Judges, to bee tane before the recompenſe of their juſte travel, to bee modified be twa of the Lordes of Seſſion before the pronuntiatioun of the decreete, in the ſaidis maters, quhilk ſall be payed unto them, before the giving of the decreete foreſaid: Or at the acceptation of the commiſſion upon the ſupplication, the partie obteiner theirof, ſall make the firſt payment: bot ſall have the ſamin modified, to be repayed to him, be him that tines the plee: gif it be found *quod temere litigaverit*, with the utheris expenſes, to be ſuſteined be him, in the recoverie of the ſaidis decreete nevertheles, gif the perſones to be appoynted Judges to the ſaidis cauſes, ſall happin to bee drawin fra their awin dwelling houſe or places, to the ground of the lande or uther place, quhair Juſtice ſall be miniſtred in the ſaidis mater; The partie quha ſall require them thereto, ſall make the expenſes for their voyage, in ganging, abiding, and returning, quhilk ſall not be impute to the Judges, as ony fault before the Lordes of Councell, or before the neareſt Judge adjacent to the landes, quha ſall have power of the ſaidis Lordes to that effect, be the ſaid commiſſion, and inſert thereintill. And becauſe ſum-times the queſtion fallis out betuixt poſſeſſoures of landes, lyand *contigue*, and zit in diverſe Schireffedomes: And at ſum-times the ane land lyand within the Royaltie; And the uther within the Regalitie: That in the firſt caſe, the Schireffe of ane of the Schires: And in the ſecund cauſe, neither the Schireffe nor Baillie of Regalitie, may be judges competent to baith the Actiones. Therefore quhen ſik caſes occurris, the Lordes upon the complaint of the partie having intereſt; ſall appoynt Judges unſuſpect, with ane competent place, keepand and obſervand in all uther circumſtances the ordour abone written. And further, the ſaidis Lordes declaris, that this act and ordinance, on nawaies hurt nor prejudge the Lordes of Seſſion, and Colledge of Juſtice, and their members: Bot that they have, and ſall uſe their priviledge, to perſew their actiones, before the ſaidis Lordes or utheris ordinar Judges, according to auld accuſtomed uſe, uſed and obſerved before the making of this Act.

43. *The paine of malitious Pleyers.*

ITEM, OUR SOVERAINE LORD, And the three Eſtaites, underſtanding that the maiſt parte of the lieges of this Realme, ar becum willfull, obſtinat and malitious pleyers: Swa that they will nocht bee content to pay and ſatisfie their creditoures, of ſik debtes as they aucht juſtlie to them, and do and fulfill all maner of lauchfull deedes, quhair-unto they ar ſpeciallie oblißhed, without calling and compulſion of the Law and extreemitie theirof. Therefore ſtatutis and ordainis, that the partie againſt quhom decreete beis given, anent liquid ſummes before the Lordes of Seſſion, ſall pay to the ſaidis Lordes twelve pennies of everie punde, effeirand to that quhilk beis recovered and obteined before them: And in all decreetes conſiſtand *in facto*; He quha tinis the pley, ſall content and pay to the ſaidis Lordes, the ſumme of five pundes money: And alſwa the expenſes of the partie obteiner of the decreete, at the modification of the Judge, And ordainis the ſame forme and ordour to be obſerved heirintill: as hes bene keept be the ſaidis Lordes, in uptaking of 40. ſchillinges of ilk decreit of before.

44. *The Lordes of Seſſion ar Judges to the interpretation of the Law of Oblivion.*

OUR SOVERAINE LORD, With adviſe of his three Eſtaites of Parliament, ſtatutis and ordainis, that the Lordes of Councell and Seſſion, ſall in all time cumming be Judges ordinar to the interpretation of the Acte of oblivion and parties compleenand, to intend, perſew and give in the libelles and ſupplicationes thereupon to them: And as they decerne and decreete in the ſaidis maters; to be als effectual, as gif they had firſt bene appoynted ordinar Judges, to the ſaidis cauſes, be the foreſaid Acte of Oblivion. Providing alwaies there be nine ordinares of the ſaidis Lords of Seſſion, at the giving and pronuncing of ilk decreete, and interloquutour in the foreſaides cauſes: Sik-like as they obſerve in all uther maters and actiones, depending before them.

45. *Quhen, quha, and how Notares ſuld be admitted, of their Cautioners and Protocoll.*

FORSAMEIKLE As the Kingis Majeſtie and Eſtaites of Parliament, conſidering the great fraude uſed be diverſe Notares, in the Office of Notarie, within this Realme, the hurte and skaith cumming there-through, to his Hieneſſe Lieges: And that mony perſons within thir few zeires, being admitted to the Office of Notarie, with over ſlender tryall taken of their knawledge and qualification, and they being for the maiſt parte ignorant of the commoun courſe of the Law, forme and practicke: Quhilk ordourlie aucht

aucht to be obſerved in making of their inſtrumentes: contractes, and utheris writtes, titles and ſecurities, nocht knawing quhat may ſtand be Law, ordour and practick, obſerved within this Realme, and quhat not: hes genered and dailie generis mony plees: queſtions and controverſies, amangſt his Hieneſſe Lieges, bringing them in great trouble, charges and expenſes. FOR Remeid quhairof, it is ſtatute and ordained, be his Majeſtie, with adviſe of the three Eſtaites of this preſent Parliament, that all admiſſion of Notares in time cumming, ceaſe and ſtay for the ſpace of five zeires, nixt after the dait of thir preſents: And that nane be admitted Notares thereafter; bot they that hes reaſonable underſtanding in the *Latine* toung, and and is at the leaſt congruous: That they have ſerved and bene in companie with ane of the Lordes of Seſſion, Commiſſares, writers to the Signet: Or ſum of the Schireffe, Stewarde or Baillie Clarkes, of the Schire, or commoun Clerkes of the head Burrowes of this Realme: And have ſerved them trewlie, the full ſpace of ſeven zeires, and reporte their teſtimoniall of their trueth and qualification, to be ſchawen to the Lordes of Councell, in time of their examination, quhilkis ſall take care in the ſame examination bee their ſelves, or ſum of their awen Clerkes of the Signet, quhom they pleaſe call to them for that effect. And ſpeciallie, they ſall cauſe the parties, deſirous to be admitted Notar, give a preſent and full proofe in their preſence of his writing and congruitie, be forming of ſum evident; As charter of Ward, blench, few-ferme, burgage, mortification, or appriſing, or of ane precept paſt on ane retour, or of *Clare conſtat*, or of ane infeftment of reſignation, in favour *ad perpetuam remanentiam:* or ſum inſtrument of ſeaſing, or of ane contract, a compromit, a procuratorie, a tacke, a reverſion, acquittance, obligation, or ſum uther commoun forme of evident. And nane to be admitted, bot be tryall and proofe in maner foreſaid; And quhairas diverſe and ſindrie Notares, hes bene admitted in time by-gane, and caution found be them, conforme to the actes maid there-upon, and that the cautioners, quhilkis become caution for them, ar for the maiſt part deceaſed. It is ſtatute and ordained, that the bands and actes of the ſaidis cautioneris, ſall extend againſt their aires: And that all Notares within this Realme, ſall bring and preſent their Protocoll buiks, before the Lords of Seſſion, betuixt this and the firſt day of *Januar* nixt-to-cum; To be uſed and conſidered be the ſaidis Lordes: That it may be knawin how monie of their Cautioners ar on live; And how monie deceaſed: And quhair they ar deceaſed, or ſall be found be the ſaidis Lordes to be inſufficient, that uthers new and ſufficient cautioneris, bee founden in place of the cautioneris deceaſed, to the contentment of the Lordes of Councell. And that ſik Notares as ſall be foundin altogether ignorant, and not worthie for uſing of that Office, ſall be deprived of all uſing thereof in time cumming: And ordainis the Schireffe of everie Schire, Baillie of Regalitie, their deputes and uther Judges ordinar quhat-ſumever, to ſende trew report and knawledge to the Clerk of Regiſter, betuixt this and the firſt day of *November* nixt-to-cum, of all perſones uſing the Office of Notarie, within their boundes and juriſdiction. And gif onie Notares failzie in preſenting of their Protocoll buikes, to the effect under-written, that not onelie ſall they be deprived fra their office, and all their inſtrumentes quhilks they ſall give foorth thereafter, declared null, and to make na faith: Bot alſwa they ſall be called and perſewed, as tranſgreſſoures of his Majeſties Lawes and Actes of Parliament, and puniſhed as perſones defamed, and un-worthie to bruik Office or place of credite thereafter. And further ordainis, that ilk Cautioner, to be foundin be Notares in time cumming, for dew adminiſtration in their Offices, becum obliſhed in ſpeciall, that their Protocoll buikes, within xv. dayes nixt after their deceaſe, ſall be brocht to *Edinburgh*, and delivered to the Clerk of Regiſter, or ane of his deputes, appoynted be him to that effect, quha ſall be halden to ſatiſfie the relict bairnes, or Executour of ilk Notar, for the ſame Protocoll, at the ſight and modification of the Lordes of Seſſion: And thereafter the ſaidis Notaris buikes to be reteined and keeped in OUR SOVERAINE LORDIS Regiſter. And the Clerk of Regiſter, and his deputies, to be anſwerable therefore: And to make the ſame patent & foorth-cummand to all OUR SOVERAINE LORDIS Lieges, having intereſt thereto, upon their reaſonable expenſes.

46. *Of the number of Officiares of Armes, their deprivation, their cautioners, and head Courtes, to be halden be the* Lyon, *King of Armes.*

OUR SOVERAINE LORD, And three Eſtaites of Parliament, conſidering how of late zeires, there is entred in the office of Armes, ſindrie extraordinar Maiſters, and Purſevants, and ane verie great number of Meſſengers, through importune ſute of diverſe parties, in ſik a confuſed and incertaine maner, that it is become doubtfull quha ar admitted, and how, and quha deprived, or nocht: Or quhidder their cautioners be livand or departed this life. And ſeeing there was alwayes in times of beſt government, a certaine number of Officiars of Armes: It is now therefore thocht expedient, ſtatute and ordained, that in time cumming, there ſall be onely twa hundreth perſones, wearand and bearand our Soveraine Lordis Armes, in the haill boundes of the Realme of *Scotland:* In quhilk number, *Lyon*, King of Armes, and his Brether, the ordinar Heraulds, Maiſteres and Purſevants, ſall be comprehended, being in number xvij. perſones, and the remanent, to be divided amangſt the remanent Schireffe-domes of the Realme, in maner following: That is to ſay, within the Schireff-dome of *Orknay* and *Zetland*, four: within the Schireffe-dome of *Innernes* and *Cromartie*, ten: Within the Schireffe-dome of *Narne*, twa: Within the Schireffe-dome of *Elgin*, and *Forres*, five: within the Schireffe-dome of *Bamff*, four: within the Schireffe-dome of *Aberdene*, xij: Within the Schireffe-dome of *Kincardin*, four: Within the Schireffe-

dome of *Forfare*, x.: Within the Schireffe-dome of *Fiffe*, x: Within the Schireffe-dome of *Kinroſſe*, twa: Within the Schireffe-dome of *Clack-mannan*, twa: Within the Schireffe-dome of *Perth*, and Stewartries of *Menteith* and *Stratherne*, xij: Within the Schireffe-dome of *Striviling*, five: Within the Schireffe-dome of *Dumbertane*, four: Within the Schireffe-dome of *Linlithcow*, four: Within the Schireffe-dome of *Edinburgh* principall, xxiiij: Within the Schireffe-dome of *Edinburgh*, and Conſtabularie of *Hadingtoun*, four: Within the Schireffe-dome of *Ber-wick*, four: Within the Schireffe-dome of *Roxburgh*, viij: Within the Schireffe-dome of *Selkirk*, twa: Within the Schireffe-dome of *Peblis*, iij: Within the Schireffe-dome of *Lanark*, x: Within the Schireffe-dome of *Renfrew*, iiij: Within the Schireffe-dome of *Argile* and *Tarbert*, iiij: Within the Schireffe-dome of *Bute*, twa: Within the Schireffe-dome of *Air*, xij: Within the Schireffe-dome of *Wigtoun*, iiij: Within the Schireffe-dome of *Dumfreis*, and Stewardries of *Kirk-cudbricht* and *Annandaill*, xij. And to the effect that the ordour now appoynted, may take the better effect; ordainis and commandis, *Lyon* King of Armes, that he on nawayes receive ony maner of perſon, to the office of meſſengerie in time cumming, except it be in the place of ane of the perſons, that ſall be thoucht meete to be reteined, after the firſt day of *November*, nixt-to-cum, be his deceaſe or deprivation: Notwithſtanding ony precept or warrand given, or to be given in the contrair: Quhairin, gif he failzie, he ſall incur the indignation of our Soveraine Lord, and the perſons ſa admitted, ſall have na place to uſe and exerce the ſaid Office, nor his executiones quhat-ſum ever, ſall nawaies be valide in Judgement, or out-with. And for tryal quhilks of the perſons now occupy and the office of meſſengerie, ar worthie and meet to be reteined in that Office during their life-times. OUR SOVERAINE LORDE, ordainis letters to be direct to the Commiſſioners, nominat be his Hieneſſe, in the Schires, quhilks conveening in the Tol-buith of the ſaid Burgh of the Schire, at the nixt head court after *Michaelmes* nixt-to-cum, ſall returne their adviſe to the Lordes of Councell and Seſſion, upon the firſt day of *November* nixt-to-cum: Quhat meſſengers within everie Schire, (not exceeding the number above written) they think maiſt honeſt, worthie, and able to be reteined in the office, during their life-times: Or quhill they be deprived for worthie cauſes. Quhilks perſones, being thoucht meeteſt to be reteined, as ſaid is, ſall be recommended be the ſaidis Lordes of Seſſion to *Lyon* King, to be continued in their offices, And authorized be him, with teſtimonialls of new, as found worthie be the judgement of the Schire, quhairin they dwell, and recommended be the Lordes of Councell and Seſſion: And that they have new blaſones of Silver, in ane forme and quantitie, in ane honeſt and civill forme: ſeeing the commoun Armes, maid be meſſengers in times by-paſt, wer ſa ſlender and gude cheape: That the greater number of ſlichtmen ſought to be admitted to that office, quhilk aucht indeede to be uſed be perſons of diſcretion, honeſtie and credite: That every perſon ſo admitted of new, ſall finde gude and reſponſable ſoverties for obſervation of the injunctiones, conteined in the end of this preſent act, under the paine of five hundreth marks, to our Soveraine Lords uſe: with coaſtes, skaithes, damnages, and intereſt of parties greeved be the falſed, negligence, or informalitie of ony Officiar, That the names of the perſones, alſweill admitted of new, as deprived, be publiſhed and imprented, within the ſpace of ane moneth, after the ſaid firſt day of *November*, nixt-to-cum: That nane ſall be abuſed, or pretend ignorance in default thereof. And for all complaintes to bee maid to *Lyon* King of armes, upon the default of Officiares in time cumming, he ſall ſett twa peremptour Courtes in the zeir, to be halden in *Edinburgh*, upon the ſext day of *Maij*, and the ſext day of *November*, gif they be lauchfull: and failzieng thereof, the nixt lauchfull daies. And ſall ſummound the partie compleined upon, be his precept, conteinand the cauſe of the complaint relevantlie libelled. And cauſe ſummound the perſones accuſed, and his cautioner, on fifteene daies warning, and deliver their copies, concludand, in-caſe the officiar be found culpable, nocht onelie his deprivation fra his Office, bot his cautioner to incur the paine, quhairof the third part ſall apperteine to the ſaid *Lyon* King of armes for his labours. And that his acts and decreetes, be formallie written and regiſtrat, and patent to all our Soveraine Lordis Lieges havand intereſt. And ſik-like letters conforme to pas there-upon, as upon the decreetes of quhat-ſum-ever Judges ordinar within this Realme.

47. *All* Superſederees *as contrair to furtherance of Juſtice, ar forbidden.*

FORSAMEIKLE As OUR SOVERAINE LORD, And Eſtaites of this preſent Parliament, underſtanding great contempt to be done to his Hieneſſe Lawes, and great hurt to his Lieges, be paſſing of Licences and *Superſederees*, quhilk dailie uſes to be granted to ſik as be themſelves, or uther friends, hes credite of his Majeſtie, they being at his Hienes horne: either for cauſes of treaſon, or none-ſatisfying of their debt to their creditoures: or not obtemperand decreetes and charges. THEREFORE OUR SOVERAINE LORD, with adviſe foreſaid, ſtatutis and ordainis, that na ſik Licences and *Superſederees*, be granted in onie time cumming. And in-caſe onie happenis to be purchaſed, declaris the ſame to be null of the Law, and not admiſſable be onie Judge, nor effectuall to the purchaſer in onie waies. And ordainis all Judges within this Realme, to proceede and do Juſtice to the parties, ſik-like, and in the ſame maner, as gif the ſaidis *Superſederees* had never bene purchaſed, nor produced.

48. *Requi-*

48. *Requiſition of teynding, may be done upon twa ſeverall Sabboth-dayes.*

ITEM, OUR SOVERAINE LORD, With adviſe and conſent of his three Eſtaites, ratifies and appreevis, the Acte of Parliament, maid at *Edinburgh*, in the zeir of God, ane thouſand, five hundreth, three-ſcore nineteene zeires: For relieſe of the labourers of the ground, troubled for want of timous teinding of their Cornes. And ordainis the ſame to be obſerved, and to be put to execution in all poyntes, after the forme and tenour thereof, with this addition: That it ſall be ſufficient to all labourers and awners of the Cornes, in time cumming, to require teinding of the partie, having the title, tack, or richt to the ſaidis teind-ſcheeves, openlie in the Paroche Kirk, upon twa ſeverall Sabboth-dayes, before noone, after the ſcheering of the ſaidis Cornes; Providing that there be xiiij. dayes interjected fullie, betuixt the daie of the firſt requiſition, and before it ſall be lauchfull to the awners of the ſaidis Cornes, to teind the ſame, and lead the ſtocke therefra, in maner conteined in the ſaid former Act.

49. *He that accuſis another of treaſon, quha is acquite thereof, committis Treaſon.*

FORSAMEIKLE As the cryme of Treaſon is maiſt odious, and deſervis the higheſt puniſhment in all perſones culpable thereof: Swa on the uther part, the malicious accuſers of innocent perſones, ar nocht to be credited, bot ſeverelie puniſhed: THEREFORE It is ſtatute and ordained, be OUR SOVERAINE LORDE, and the three Eſtaites of this preſent Parliament: That quha-ever accuſis ane uther perſon of treaſon, the partie calumniate being called, accuſed, and acquite of the ſaid crime of treaſon, his accuſer ſall incur the ſame crime of treaſon, quhairof he accuſed the uther.

50. *Landed-men convict of thieft, rieſe, or receipt thereof, committis treaſon.*

ITEM, It is ſtatute and ordained, be our SOVERAINE LORDE, and his three Eſtaites, in this preſent Parliament, that in-caſe it ſall happen onie Landed-men, to be lauchfullie and ordourlie convict of the crimes of commoun thieft, receipt of thieft, or ſtouth rieſe in time cumming: They ſall incur the crime and paine of treaſon: That is, tinſell and fore-faltour of life, landes and guddes.

51. *Murther or ſlauchter under credite, is treaſon.*

ITEM, It is ſtatute and ordained, that the murther or ſlauchter of quhat-ſum-ever OUR SOVERAINE LORDIS lieges, quhair the partie ſlaine is under the traiſt, credite, aſſurance and power of the ſlayer: Al ſik murther and ſlauchter, to be committed in time cumming, after the daite hereof, the ſame being lauchfullie tried, and the perſon delated found guiltie, be ane Aſſiſe thereof, ſall be treaſon, and the perſones found culpable, ſall fore-fault life, landes and guddes.

52. *It is not leſum to take ane greater annual-rent, for the* 100. *pundes, nor ten poundes, or five bolles victuall.*

OUR Soveraine Lord, with adviſe and conſent of his three Eſtaites of this preſent Parliament, ſtatutis, ordainis, and declaris, that quhat-ſum-ever perſon or perſones, in time cumming, be onie block or bargaine, upon pledge or annual-rents alſweill of victual, as of money, ſall take or receive mair for the leane, intereſt, profite of zeirlie annuall of ane hundreth pundes money, during the haill ſpace of ane zeir, nor ten pundes money: Or five bolles victuall: Swa of greater or ſmaller ſummes proportionallie. That all ſik perſons, takers or makers of ſik blockes and conditiones, for greater or mair profite, intereſt, commoditie, or annuall, for the ſpace of ane zeir, or for langer or ſhorter ſpace, after the proportion of the zeir, then ten punds money, or five bolles victuall, for ilk hundreth pundes be zeir, ſall be halden repute, perſewed and puniſhed as ockerers and uſureris, and receive and incur puniſhment and Judgement of the ſame: Conforme to the Lawes of this Realme, alreadie maid and eſtabliſhed thereupon. Providing alwayes that this preſent Act of Parliament, force and execution thereof, on-nawaies ſall be extended to onie lauchfull bandes, contractes, obligationes, infeftmentes, or uther ſecurities quhat-ſum-ever, maid upon annual-rentes of money or victuall, preceedand the dait of thir preſents: bot they to ſtand and abide in their awen ſtrength and effect in all poinres, after the forme and tenour thereof, as they were maid from the beginning.

53. *Anent the making of the prices of Wines and Tymmer.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with adviſe of his three Eſtaites of this preſent Parliament, that nane bearand charge or office within Burgh, beand Merchant, hame-bringer, or portioner of Wines and Tymmer, ſall be ſetters of prices on the ſame, during the time of their Office, and their-upon they ſall be ſubject to ſuffer ane aſſiſe of their neightboures, within fifteene dayes nixt after the expyring of their office, before the Proveſt and Baillies of the Burgh, to be newlie choſen, havand the Kinges Commiſſioner ſittand in Judgement with them to that effect, without quhome it ſall not be leſum to proceede:

proceede: To the effect that Juſtice be not abuſed: and to the effect that certaine ordour may bee obſerved in all time cumming, anent the ſetters of prices of Wines, and Tymmer, and of their number, and for eſchewing all deceipt and abuſes done their-anent.

IT IS Statute and ordained, that zeirlie in time cumming, there be twa Barrones, or uther twa ſufficient landed Gentilmen, nominate at the head Court after *Michael-mes* within ilk Schiref-dome of this Realme, and uther twa perſones to be zeirlie nominate at that ſame time be the Kinges Majeſtie and his ſecret Councell. Quhilks foure perſones, ſall be all actuall inhabitantes within the ſaidis Burrowes; Or at the farreſt, dwelland within ſex mile to ilk Burgh: And foure Burgeſſes that are knawen not to exerce, nor be parteners in ſik trade of Marchandice, to be choſen zeirlie at the ſaid feaſt of *Michael-mes*, be the Councell of ilk free Burgh, of Merchantes, or craſteſmen of ilk Burgh, according to their proper Cuſtome and priviledges, preſentlie obſerved be them in zeirlie election of their Councell, and Officiares. Quhilkis aucht perſones zeirlie to be elected and nominated, as is before ſpecified, ſall be the onelie priceres of all Wines, and Tymmer, that cummis within this Realme hereafter. And that they exerce their ſaid office from the day of their election to that day twelf-month allanerlie, And that zeirlie new election be maid of ſik officiares to indure na langer, bot for the ſpace of ane zeir, as is abone written. And ordainis ilk Schireffe depute, be himſelfe or his Clerk, to intimat and nominate to the Councell of ilk Burgh the names of the ſaides twa Barrones, zeirelie to be choſen, as ſaid is, within three dayes nixt after ilk feaſt of *Michael-mes*: and the Theſaurer and his deputes, zeirlie within ſex daxes nixt after ilk *Michael-mes*, To advertiſe and certifie the Councell of ilk free Burgh, of the Kinges twa Commiſſioneres, zeirlie to be nominat be him, to that effect. With power and licence to the ſaidis four Burgeſſes, zeirlie to be elected, as is abone ſpecified; That in-caſe the ſaids twa Barronnes and the Kings Commiſſioners being lauchfullie warned perſonallie, or at their dwelling places, be the Townis Officiar, to repaire to the Burgh to that effect, and cummis not within 48. houres nixt after the ſaid warning; That then it ſall be leſum to the ſaids foure Burgeſſes of ilk Burgh, be themſelves to ſet the prices of the ſaides Wines and Tymmer, and the ſamin power and licence is in like maner granted and permitted to the ſaidis foure Burgeſſes, zeirlie, quhen it ſall happen the Kings Commiſſioners and Barronnes, nocht to be elected and dewlie intimat, to the ſaidis Burrowes, in maner, and at the ſpeciall times above ſpecified. And als ſtatutis and ordainis, that na Wines be brocht in this Countrie, be quhat-ſumever inhabitantes thereof, without ane Teſtification of the price of the ſame, under the Townes Seale where they were coſt: and ane Teſtimoniall ſall be ſufficient for the haill Wines of ilk Schip, and the price to be maid of the commoun prices that Wines gives, the time of their bying thereof.

54. *Unlauchfull Cuſtomes of victuall, and uther guddes ar forbidden.*

FORSAMEIKLE As ane of the ſpeciall cauſes of dearth, proceedis from the exorbitant Cuſtomes and impoſitiones, layed upon victualles, cornes and guddes, cummand to mercattes, free-portes or Havens, without onie warrand, and quhairof they have not bene in uſe and cuſtome paſt memorie of man, quhilk is ane oppreſſion of the people, and ane cauſe of in-creaſe of dearth. THEREFORE OUR SOVERAINE LORDE, With adviſe of the three Eſtaites of Parliament, forbiddis and diſchargis through the haill Realme, all ſik cuſtomes and impoſitiones, quhairof there is na warrand, neither have the intromettours and uptakers thereof, and their predeceſſoures, bene in uſe and poſſeſſion thereof, paſt memorie of man. And ordainis the takers of the ſaidis exorbitant impoſitions to be called therefore: And quhat-ever they have up-tane, to be adjudged to rander the ſamin to the Kingis Majeſties uſe: And they furder to be puniſhed in their perſones and guddes, as oppreſſoures of the people; conforme to the Lawes of the Countrie: And that na cuſtome be tane hereafter, bot according to our auld Lawes and Actes of Parliament, and quhair-upon the up-takers hes ſpecial Warrand, at the leaſt, bene in poſſeſſion theirof, paſt memorie of man, as ſaid is.

55. *Victuall may not be tranſported foorth of this Realme, neither be Land, nor be Sea.*

ITEM, In conſideration that the great increaſe of the dearth of vivers, principallie proceedis throw tranſporting of the ſamin, baith by Sea and Land: Quhilk would be alluterlie abſteined fra, and remeid found theirfore: In reſpect quhairof, OUR ſaid SOVERAINE LORDE, with adviſe of the ſaidis three Eſtaites of Parliament, ſtatutis, decernis, and ordainis, that the Wardens of the Marches, ſall be anſwerable to the King, for all victualles and guddes tranſported in *ENGLAND*, fyling their Marches. In doing quhairof, they ar na furder obliſhed to their Native Countrie, nor to an *Engliſh-man*, in-caſe his guddes ſtollen, fyle his March. And to the effect the ſaids Wardens may be the mair diligent there-anent, decernis and ordainis the equall halfe of the ſaids guddes and victualles, tranſported in *England*, to apperteine to the ſaid Warden: And the uther halfe thereof, to apperteine and be maid foorth-cummand to OUR SOVERAINE LORDIS uſe. And for ſtaying the tranſporting of victualles be Sea: It is ſtatute and ordained, that the Schippe and haill guddes, and geare belanging to the Maiſters thereof, and Clerkes of the ſame Schippes tranſporters of the ſaid victualles, ſall be confiſcat, and the ſaidis Maiſters and Clerkes, perſones ſubject to impriſonment, at the will of his Majeſtie: And for the better execution thereof, OUR SOVE-

SOVERAINE LORDE, with adviſe foreſaid, declaris and ordainis ilk free Burgh within this Realme, zeirlie at the Feaſt of *Michael-mes*, to elect and chooſe ane ſufficient Burges, to be ſearchour at the ſea Portes, of the ſaidis victualles, to be adjoyned to the Kingis ſearchers, of equall power with him, in all reſpectes. And that they may uſe and exerce the ſame office conjunctlie or ſeverallie, as occaſion ſall ſerve and require: And the equall halfe of the ſaidis victualles, to be applyed to the uſe and commoditie of ilk Burgh: And the uther halfe, to the Kingis uſe. And ſik-like, grantis the ſame power to the Baillies of all Regalities and Burrowes of the ſame, quhair-unto the ſaidis Burrowes, and Baillies of Regalities, ſall be halden to anſwere zeirlie of their diligence, in the premiſſes.

56. *Horſe ſuld not be halden at the hard meate, after the firſt day of* Junij.

ITEM, It is ſtatute and ordained, be OUR SOVERAINE LORD, with adviſe of the Eſtaites of this preſent Parliament: That na perſon quhat-ſumever within this Realme, keepe, hald, or interteinie ony Horſe at hard meate, after the firſt day of *Junij* zeirlie, in time cumming: Except Earles, Lordes and Barronnes, quha, and ilk ane of them may ſpend twa thouſand pounds of zeirlie rent, at the leaſt. And fra the ſaid firſt daye of *Junij* zeirlie; It is permitted to ilk Earle and Lorde, ilk ane of them to halde and interteinie, at the hard meate, twa Horſes at the maiſt: And ilk Barrone, ane Horſe onelie. With certification to the contraveeners of the ſaid Acte, that it ſall be lauchfull to the Schireffe of ilk Schireffedome, and their deputes, to eſcheit and intromet with their Horſe, quhair-ever the ſamin may be apprehended. Like as our Soveraine Lord and three Eſtaites, be thir preſents, gives them full power to that effect. That the ane halfe of the ſaidis eſcheit Horſes to perteine to the King, and the uther halfe to the Schireffes.

57. *Anent victualling of Schippes, paſſing to the* North *fiſchinges, and caution to be found for their returning.*

ITEM, OUR SOVERAINE LORD, And his three Eſtaites, conveened in this preſent Parliament, ſtatutis and ordainis, that the cuſtumares and ſearchers, ſall take inquiſition and note, quhat quantitie of victuall every Schippe or Veſſell, takis in at her paſſing to *Loch-broome*, and utheris the North *Iles*, and loches in the Harveſt ſeaſon in fiſhing: And take ſovertie that they ſall returne the thrid part of their lading of Herring or quhite-fiſh, within this Firth, or utheris free Burrowes, to be ſold to OUR SOVERAINE LORDIS Lieges, for their ſuſtentation, and furniſhing of the Countrie, under the paine of ane hundreth pundes.

58. *Anent licences to be granted for eating of fleſh, in forbidden time.*

ITEM, OUR SOVERAINE LORD, And his three Eſtaites of this preſent Parliament, ratifies and approvis, the Acte of his laſt Parliament, maid at *Edinburgh*, in *Auguſt*, the zeir of God 1584. Againſt the eaters of fleſh in *Lentron*, and upon *Wedneſ-day*, *Frydaye*, and *Setterday*, everie oulk; And ordainis the ſame to have full effect and execution in time cumming: With ſpeciall proviſion, that na licences ſall be granted for eating of fleſh on the ſaidis dayes, in time cumming; Except the deſirer thereof, report a Teſtimoniall, ſubſcribed be a Doctor of Medicine, or be the Miniſter of the Parochin, quhairin he dwellis, that ſik a perſon is ſicklie, and neceſſarlie mon have the ſaid licence: And then to be granted, upon the compoſition of xx. pundes: to be payed to the Theſaurer therefore. And in-caſe onie licences ſall be procured for onie Fleſhers to ſlaie and ſell fleſh, on the ſaidis dayes, and time of *Lentron*, Or to Cookes to prepare them, and make them reddie: The ſaid licence ſall not paſſe the Signet, quhill the partie in quhais favoures it is purcheſſed, pay for the ſame licence to his Hieneſſe Theſaurer, the ſumme of ane hundreth pundes, without defalcation, or compoſition.

59. *Slayers of wilde-beaſtes, committes thieft.*

OUR SOVERAINE LORDE, underſtanding that there hes bene diverſe Actes of Parliament maid of before, anent the ſlaying of Hart, Hinde, Dae, Rae, Hares, Cunninges, and utheris Wild-beaſtes with Culveringes, Croſ-bowes, and Hand-bowes: And ſpecially the Actes maid in the Parliament, halden at *Edinburgh*, the zeir of GOD, ane thouſand, five hundreth, threeſcoir ſeven zeires, And in *November*, 1581. zeires. Quhilkis Actes, hidderto hes tane na effect, and that in default of the Magiſtrates, quhilks were appoynted to put the ſame to execution. THEREFORE His Hieneſſe, with adviſe of his three Eſtaites of this preſent Parliament, hes ratified and appreeved the ſaidis haill Actes in all poyntes, paſſes, clauſes and articles theirof, with this addition; That the ſlayers and ſchutters of Hart, Hinde, Dae, Rae, Haires, Cunninges, and uthers Beaſts, without licence, or allowance of the awners, ſall be like cryme to the committers, as the ſtealers of Horſe and Oxen, and the committars thereof, ſall incurre the paine and puniſhment, dew to the cryme of thieft.

60. *The places appoynted for Proclamation, and ſerving of Brieves.*

ITEM, For the eſchewing of ſik hurt and inconvenient in time cumming, as ſindrie parties heretofore hes ſuſteined, throw Proclamation of Brieves at places doubtfull, and appoynting them to be ſerved in places incertaine, far diſtant fra the head-Burrowes of the Schireffe-dome, quhair the Lands-lies, quhilk hes maiſt frequently occurred in ſum Schireffe-domes, quhair there is ſum uthers juriſdictions of Stewardries or Baillieries, within the bounds of the ſame Schireffe-domes, and ſum Schireffe-domes, quhairof the head Burrows ar decaied or fallen in diſſuetude. For remeid of the quhilk inconvenients and doubts in time cumming: It is ſtatute and ordained, that all Brieves for ſervice of landes, lyand within the bounds of the Stewardries of *Stratherne*, and *Menteith*, ſall be proclamed at the mercat Croſſe of *Perth*, and to be ſerved at the places uſed & woont within the ſaids Stewartries. All within the Stewartrie of *Fife*, be open Proclamation at the mercat-croce of the Burgh of *Couper in Fife*. All within the Baillieries of *Kyle*, *Carrict*, and *Cunninghame*, at the mercat croce of the Burgh of *Air*. All within the Stewartries of *Kirkcudbricht* and *Annandaill*, at the mercat croce of *Drumfreis*, And that the places of ſerving of Brieves, and halding of Courtes to that effect, be alwayes in the Tolbuith of the head Burgh of the Schire, Stewartrie or Baillierie, or uther pairtes within the ſame Stewartries, and Baillieries, quhair Brieves were maiſt uſually ſerved, and Courtes halden to that effect of before.

61. *Ane laick patrone infeft in the richt of patronage, wed-ſet be onie his predeceſſoures, after the Redemption theirof. cannot be hurt, be lang poſſeſſion of ane Eccleſiaſtic all perſon.*

OUR SOVERAINE LORD, With adviſe of his three Eſtaites of this preſent Parliament, underſtanding that diverſe Earles, Lordes, Barronnes, and utheris his Hieneſſe Free-halders, being infeft in their lands and Barronnies, with advocation, donation, and richt of Patronage of Benefices: They have annalied certaine of their landes and Barronnies, in wed-ſett, under reverſion, through the quhilkis alienations, the ſaidis landes and Barronnies hes remained with the perſones receivers theirof in wed-ſett, ane 100. zeires and mair. In the meane time, certaine Prelates, Abbotes, or uther Eccleſiaſticall perſones, having richt or title, cled them with the ſaidis Benefices, and thereby, quietlie intrudis them in the poſſeſſion and richt thereof, in default of the ſaidis Patrones, quha take na regard thereto, during the ſaid none-redemption of the ſaidis wed-ſettes. Quhair through, the ſaidis juſt and lauchfull laick Patrones of the ſaidis benefices, hes bene heavelie prejudged in their richtes and preſentations of the ſame in time by-gane: Therefore for remeid theirof, It is ſtatute and ordained, be our Soveraine Lorde, that na poſſeſſion apprehended be Biſhoppes, Abbotes, Priors, or uther Kirk-men, of quhat-ſum-ever Parſonages, Vicarages, Chaplanries, Prebendaries, or uther Benefices, belangand to the ſaidis Erles, Lordes, Barronnes, Free-halders, or utheris laick patrones, and quhairin they ar ſpeciallie infeft be their chartoures, ſall be ony waies hurtfull or prejudicial to their richtes and titles, of the ſaidis laick patronages, after redemption of their landes and wed-ſettes, alſweill alreadie uſed in times by-paſt, as to be uſed: Bot that the ſaidis laick patrones may as freelie bruik, joys, and uſe their ſaids Patronages, and preſent qualified perſones thereto at all times: ſik-like as the ſaidis Kirk-men had never apprehended poſſeſſion of the ſame, and notwithſtanding thereof.

62. *The principal gift of Penſions ſuld be produced, and the ſamin being improven, The confirmation, and all decreets following there-upon, ar null.*

OUR SOVERAINE LORD, and the three Eſtaites of this preſent Parliament, having conſideration how that ſindrie Benefices within this Realme, hes bene burdened with counterfaicted and invalide giftes of Penſiones of victual, or ſilver, or ſpecial aſſignation of haill Kirkes, with fruites theirof: And upon the ſaid feinzied and invalide giftes, hes obteined his Hieneſſe, or his Predeceſſoures ratification, aither in Parliament, or outwith, and but onie ſight of their principal gift, upon their onelie ratifications and confirmations, hes obteined decreetes before the Lordes of Seſſion, and utheris Judges, quhair in-caſe they had produced onie principall, aither the ſame wald have bene found invalide, or the falſed theirof wald have bene tryed or knawen. Therefore it is ſtatute and ordained, be OUR SOVERAINE LORD, and the three Eſtaites foreſaides, in time cumming, that quhair ever queſtion or controverſie ſall ariſe, upon the Penſions to be purchaſed or obteined, be quhat-ſum-ever perſons. after the dait hereof: Or upon the invaliditie of the ſamin Penſiones, the partie ſuiter of the ſaid Penſion, ſall be balden to produce the principal gift and penſion, To the quhilk their ratification and confirmation ſall be relative, at the deſire of the partie quhais benefice is burdened bee that penſion, utherwaies they ſall be fecluded fra all richt, to the ſaid penſion, or ony part thereof. And in-caſe the principal gift and diſpoſition, beis outher improven or reduced be the Judge ordinar; In that caſe the ſaid party pretendand richt to the ſaid penſion, ſall never be heard to acclaime onie benefite thereby: Notwithſtanding onie ratification, confirmation, decreetes, or letters in the four formes following there-upon: Quhilks the ſaidis Lordes declaris, needis na reduction in this caſe, in times cumming: The grounds to the quhilks, the ſaids ratificationes, confirmationes, and decreetes is relative, being tane awaie.

63. *The*

63. *The Checker ſuld begin the firſt day of* Julij. *Anent abſents therefra, and chargeing perſones to compeir,*

OUR SOVERAINE LORD, with adviſe of his three Eſtaites, conveened in this preſent Parliament, for the greater certaintie of his Hienes Checker, and gude ordour to be keeped therein, quhairthrow gude reckning, and compt may be maid of his Hieneſſe rentes in dew time: Statutis and ordainis, that his ordinar Checker, ſall begin zeirlie in time cumming, upon the firſt day of *Julij*, and ſall end upon the laſt day of *Auguſt*. And that alſweill the perſons, quha ſall be nominate and conſtitute Auditoures of the Checker, as all that aucht to make compt therein, be dewlie warned be Precepts, to compeir thereat, ilk perſon, under the paine of 40. punds. And in-caſe of their abſence, at the dayes appoynted; That they be un-lawed in the ſaid ſumme, and letters of horning or poynding to bee direct againſt them, for payment theirof. And the Comptroller to charge him with the ſaidis un-lawes in his compts. And at all time, fra the firſt day of the ſaid Checker, quhill the end thereof, that the comptares, that aucht to give compt therein, in-caſe of their diſobedience of the precept of the Checker, be charged of new, at the mercat-croce of *Edinburgh*. And in-caſe of their diſobedience of the ſame charge, to be denunced rebelles, and put to the horne, at the ſame mercat-croce of *Edinburgh*. Quhilk denuntiation, his Majeſtie decernis to be als ſufficient, as gif the ſamin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the perſons dwellis, and regiſtrat in the ſame Schireffes buikes thereof: And that the horning be regiſtrat in the Theſaurers buikes, or Schireffes buiks of *Edinburgh*: That the Theſaurer, Comptroller, and Collectour, be themſelves, or their Deputes and Clerkes, be preſent, during the haill time of the ſitting of the Checker, for ſik thinges, as may occur in ilk ane of their offices. And that na-thing be treated of in this ordinar Checker, bot onelie the handling of the Kings Majeſties awin affairs. And for maters and actions, betuixt partie and partie: Ordainis the Checker to conveene and ſit everie Tueſ-day after noone, during the ſitting of the Seſſion, or at uther times, as it ſall pleaſe the Kingis Majeſtie to appoynt.

64. *All Schireffe Clerkes ſuld preſent in the Checker zeirlie all ſeaſinges.*

ITEM, It is ſtatute and ordained, that the Acte of Parliament, maid be our Soveraine Lordis deareſt Gud-ſchir, King *James* the Fifth of gude memorie, for preſenting be the Schireffes and their Clerkes, of the Protocolles of all ſeaſinges zeirlie in the Checker, be put to dew execution in all points. And our ſaid Soveraine Lord, with adviſe foreſaid, of new ratifies and apprievis the ſame Acte. And ordainis that the Clerk of Court of ilk Schireffe-dome, cum with the ſaid Schireffe or his deputes, in everie Checker, and bring with him ane buik, conteining all ſeaſinges, given be them, ſubſcribed with the ſaid Clerkes awin hand and ſigne manuall: That the ſamin may remaine in the regiſter: ſwa that the Kings Majeſtie may knaw his tennents, and all utheris having intereſt, may have recourſe thereto.

65. *All receivers of the Kings rents, ſuld find Caution in* Edinburgh.

OUR Soveraine Lord, with adviſe of his three Eſtaites of this preſent Parliament, ſtatutis and ordainis, that na Chalmerlane, nor receiver of the Kingis rentes remoovable, be received be the Comptroller, bot ſik as findis ſoverties to the Comptroller in *Edinburgh*, to make compt in the ordinar time of the Checker, and to make payment within xx. dayes after ilk time. Alſwa it is ſtatute and ordained, that all heritable Chalmerlaines and compters, be charged to finde ſovertie, to the ſame effect.

66. *Hieland-men and Borderers, may be ſummoned at the mercat-croce of the Burgh.*

ITEM, That all warnings and executiones, in the Kings cauſes to be maid againſt *Ileſ-men*, Hieland-men, or Borderers in broken Countries, *ubi non patet tutus acceſſus*, be maid at the mercat-croce of the head Burrowes of the nixt Schires, in the Law-land.

67. *The Comptroller ſuld anſwer for all Chalmerlanes.*

ITEM, It is ſtatute and ordained, that the Comptroller in time cumming, charge him in his compt, with the haill rent of his Hieneſſe propertie, and be anſwerable for the haill charges of the Chalmerlaines and receivers removeable: Becauſe they ar of the Comptrollers awin making: And for uthers that hes their offices heritable, that the Comptroller ſchaw his diligence againſt them, before the making of his compt, quhilk ſall alwayes end, before the firſt day of *September* zeirlie. And declaris that his Majeſties propertie, evin inſtant, as it is preſentlie, ſall finde, ſuſteine his houſe, according to the adviſe given be the Checker in *Auguſt*, 1586. And that quha ever hes the intromiſſion and receipt of the rents of the ſaid propertie, aucht and mon furniſh, the expenſes of his houſe in reddie money: that his furniſhing may be als gude cheape, as onie uthers. And this ordour to begin at the firſt day of *September*, nixt-to-cum: Or quhen his Majeſtie thinkis gude.

67. *Anent Precepts of the propertie, and the Comptrollers comptes.*

ITEM, That na precepts or diſcharges of ane part of the propertie, to be allowed in time cumming in Checker, except the ſame ſall be ſubſcribed and accepted be the Comptroller, and alwaies the partie acquittance to be produced upon compt, and na thing to be allowed *periculo computantis*.

68. *All rentalles ar perſonall life-rents, quhairin na mention is maid of aires.*

ITEM, It is ſtatute and ordained, that all rentalles, ſett be onie OUR SOVERAINE LORDIS Predeceſſoures, of gude memorie; of onie landes, perteining in propertie to his Hieneſſe (except few rentalles, ſet to men and their aires) ſall have na further ſtrength nor effect, nor ane naiked life-rent, and that after the deceaſe of the rentallers, his Majeſtie have power with adviſe of his Comptroller, to ſet, uſe, and diſpone their-upon at his pleſour of new in few, aither for augmentation of the former rentall, or for new entres ſilver, and that all bee ſet in augmentation of the Kingis rentall.

69. *The caſualities ſuld not be diſponed in great.*

ITEM, It is ſtatute, that his majeſties caſualities ſall not be given away in great: as of the caſualities of ane haill Cuntrey togidder: Or the confirmation of the haill fewes of onie Prelacie: or of onie ſpeciall crimes.

70. *Anent payment of pecuniall paines and compoſitionnes.*

ITEM, It is ſtatute and ordained be OUR ſaid SOVERAINE LORD, with adviſe and conſent foreſaid, that all pecuniall paines of offenders, ſall be taken up in gold and ſilver, at the availl of the money, quhen the Actes ware maid, or els augmented in the money now current. And the ſamin regaird to be had in making of compoſitiones, takand the ground and exemple fra the laſt zeir of the regiment of King *James* the Fifth.

71. *The paine of negligent Schireffe Clerkes.*

ITEM, It is ſtatute and ordained, that in-caſe onie Schireffe Clerk, within this Realme, refuſis at onie time hereafter to receive and regiſter onie letters of horning preſented to them, be quhat-ſum-ever parties to that effect: Or gif the ſame be not dewlie regiſtrat, after he have written, extracted and regiſtrat, on the back theirof. And in-caſe he ſend not zeirelie to the Theſaurer or his deputes, ane perfite inventar of the haill horninges regiſtrat ilk zeir in their buikes. Or in-caſe onie uther thing beis done be the ſaids Schireffe Clerks, undewtifullie. That then and in theſe particular caſes abone written, the ſame being lauchfullie tryed, ilk Schireffe Clerk, ſall tyne all his mooveables, to be eſcheitted and applyed to his Hienes uſe. And his principal Schireffe, *toties*, *quoties*, ſall be compelled to paie ane hundreth pundes to his Hienes, by the damnage and intereſt of the parties ſkaith their-throw, and to have his reliefe of the ſaid Schireffe Clerk, in that behalfe.

72. *Of the ſovertie to be founden be officiares of Armes: And of their daylie wage.*

ITEM, For the better and mair ſuir ſerving of the King, be officiares of armes: It is ſtatute and ordained, that nane be reteined, or hereafter admitted to that ſervice; Bot he that with his u heris injunctiones, ſall finde ſoverty, to be alwaies furniſhed with a ſufficient reddie horſe, quhair-upon to ſerve his Hienes and lieges, and that his ſovertie ſall be anſwerable for the damnage and intereſt of his falſed, ſlouth and informal doing in his Hieneſſe ſervice, or uther parties, gif onie ſall happen. And that the wage of onie Officiar of armes on the day, ſall be ane marke money, Summer and Winter over-head.

73. *Relieves ſuld be entred in compts: The Schireffe or the partie may be poynded, conforme to the buik of* Reſponde.

ITEM, It is ſtatute and ordained, that na relieves be componed for in time cumming: Bot the trew and full availl thereof, to be maid compt and payment of in the Checker. And in-caſe, Schireffes, Stewardes and Baillies, make not their compts, at the ordinar time of Checker (beſide the ordinar execution, to paſſe againſt them therefore) That upon the ſight of the buik of *Reſponde*, letters be directed, to charge the perſons, to quhome precepts of ſeaſing hes bene granted: Or the Schireffe and his deputes, at the option of the Theſaurer, or baith; To pay the ſummes conteined in the *Reſpondees*, or to poynd the Schireffe, or the partie: gif the partie have not the Schireffis diſcharge thereof, to ſchaw and produce.

74. *The Schireffes ſuld make compt of all eſcheittes.*

ITEM, It is ſtatute and ordained, that all Schireffes in time cumming, make compt to the Checker, of quhat-ſum-ever eſcheittes, up-taken and intrometted with bee them, within their juriſdiction: And that ilk Schireffe charge himſelfe ſpeciallie with the ſamin eſcheittes, in ilk Checker zeirlie.

75. *Commiſſiones ſuld paſſe the quarter Seale: The obteiner thereof ſuld finde Caution: They ſuld not be granted upon ſlauchter.*

ITEM, It is ſtatute and ordained, that all ſpecial Commiſſiones of Juſticiarie, be maid be ſignatoures, to paſſe the quarter ſeale, in time cumming, to the effect, that *Reſpondees* may be maid there-upon, after the auncient and lovable faſhion. And that he quha obteinis ane Commiſſion, finde ſovertie at the Chancellarie, that he ſall within fourtie dayes thereafter, report a teſtimonial of his diligence, under the paine of fourty punds; And that alwaies na Commiſſiones be granted, to proceede on ſlauchter: bot the Juſtice generall, and his deputes, to proceede there-upon.

76. *The King may perſew all crimes, without the partie.*

ITEM, That the Theſaurer and Advocate, perſew ſlaughters and utheris crimes, althoucht the parties be ſilent, or wald utherwaies privilie agree. And that in Juſtice aires, or particular diettes, the haill Aſſiſoures be called for, and the abſentes amerciat, to moove them, to make the better obedience.

77. *Na allowance without production of acquittance.*

ITEM, That na allowance be given in the Theſaurers comptes in time cumming, *periculo computantis*, bot quhair acquittances ar preſentlie ſchawen and produced.

78. *Anent the hearing of the Theſaurers comptes. Particular comptes, and Ratificationes paſſed in Parliament.*

OUR SOVERAINE LORD, with adviſe and conſent of the three Eſtaites of this preſent Parliament, hes ſtatute and ordained, that the Theſaurer ſall not exceede twentie thouſand pundes in ane zeire in his diſcharge, with certification gif he do, na *Superſedere* will be granted for ſuper-expenſes, in time cumming. It is alſo ſtatute and ordained, that inferiour comptes that ſuld precede the Theſaurers compts and mon enter in it, be firſt heard. And likewiſe it is ſtatute and ordained, be our ſaid Soveraine Lord, with adviſe and conſent foreſaid, that na Ratificationes be paſſed in Parliament, upon ſimple Articles of privat parties, bot the matter deſired to bee ratified, to be firſt paſſed be infeſtment, upon compoſition payed to the Theſaurer, before onie ſik matter be confirmed in Parliament, and the ſamin on nawaies to be paſſed or granted, except they be preſented be the ſaid Theſaurer, or his deputes, to that effect.

79. *Juſtice Courtes ſuld not be continued.*

ITEM, It is ſtatute and ordained, be the Kingis Majeſties ſpecial will and direction: That na precept for continuation of onie Juſtice Court, be admitted be the Juſtice, or his deputes, in time cumming.

80. *The Schireffes ſuld give up the names of their deputes, and ſuld finde caution.*

ITEM, It is ſtatute and ordained, that all Schireffes within this Realme, give in zeirly, at the firſt down-ſitting of the Seſſion, to the Lords of Seſſion, The names of their deputes and Clerks, that they thinke to uſe for that zeir. And ſik-like, ordainis letters to be directed, chargeing ilk Schireffe, under the paine of rebellion, with certification &c. To finde caution, Burgeſſes, indwellers within *Edinburgh*, Acted in the buiks of Councell, that they ſall zeirlie make their Compts in the Checker, and paye all thinges, reſtand, auchtand to the Kingis Majeſtie, be vertew of their office.

81. *Of the forme how Juſtice aires ſall be halden twiſe zeirelie, in the monethes of* Aprile *and* October.

BEcauſe of the great delay in actiones Criminall, throw the not halding of Juſtice aires, twiſe in the zeir, according to the auncient and lovable ordour, eſtabliſhed be diverſe gude Lawes and Actes of Parliament, maid of before: Conſidering the ordinar judgement in criminal cauſes is onelie now at *Edinburgh*, quhair particular diettes ar ſett, for certaine ſpecial and higheſt crimes, the puniſhment of uther offenſes, quhairby the commoun-weill is greatlie grieved, left to the Juſtice aires, that very ſendill haldis, and there-throw ar becume contemptible. THEREFORE, and for eaſe and reliefe of the ſubjectes, that ar ſa frequentlie inquieted, be cumming in convocation, to dayes of Law, and to paſſe upon Aſſiſes in *Edinburgh*, quhair the Courtes ar oftimes continued, in hinderance of Juſtice, and to the great trouble and needeles expenſes

of the Kings lieges: It is ſtatute and ordained, be our Soveraine Lord, with adviſe of his three Eſtaites, conveened in this preſent Parliament: That Juſtice aires ſall be halden twiſe everie zeir, in time cumming, over all the Schires of this Realme, in the Moneth of *April*, and *October*: Beginnand in the Moneth of *October* nixt-to-cum, gif convenientlie it may be. And be reaſon the mater cannot be ordered, and over-tane at anis, be onie few number, to paſſe ſucceſſivelie over all the haill Realme, from ane Schire to ane uther, that OUR SOVERAINE LORD, ſall cauſe his Juſtice Generall, make aucht deputes: Or elſe his Hieneſſe ſall make ſa mony, be his awin Commiſſion, under the teſtimonial of the great Seale, of ſum of the Senatoures of the Colledge of Juſtice, or certaine weill experimented Advocates, that ar maiſt able to travell, appoyntand twa over everie quarter of the Realme, quhilk conteinis ſeven Schireſſedomes, or thereby, with ane depute of the Theſaurers, and ane uther of the Juſtice Clerkes. And that the Stewardries, and the Baillieries cum to the head Burrowes of the Schireſſedomes, quhairin they lie: Before the cumming of the quhilks Juſtices deputes, dittaie ſall be uptaken, and the perſons indicted arreiſted, in maner hereafter ſpecified. Quhilks Juſtices ſa directed, ſall be received at their entrie in the Schire, be the Schireſſe principal, or his ſufficient depute. As alſo be the Wardanes, within their Wardanries, and their deputes, being Knights or Gentil-men landed, with the free-halders of the ſame Schireſſedome, that ſall be warned be the Schireſſe, to that effect, be Proclamation, for conveening at the place and time appoynted: Quhilkis ſall convoye the ſaidis Juſtice deputes, to the head Burgh of the Schire, and accompanie them, during their remayning there: And quhill they be out of the boundes of the ſaid Schire, and received be the nixt Schireſſe, or his depute. And upon the morning, after the cumming of the ſaids Juſtice deputes, to everie head Burgh of the Schire, gif the day be lauchfull: and failzieng thereof, the nixt lauchfull day, they ſall beginne and ſenſe their aire, call the ſuites, and put the offenders, gif ony bee alreadie in priſon, to the knawledge of ane Aſſiſe. And as they be found culpable, or Innocent, to miniſter Juſtice upon them, conforme to the Lawes of the Realme. Thereafter to call the pledges and Cautioners of perſones, that hes founde ſovertie to underlie the Lawe, the thrid daie of the aire, or ſooner, upon fifteene daies warning. And thridly, the perſones newlie indited and arreiſted, and doe Juſtice likewaies upon them: and that they direct their Precepts for ſummounding of Aſſiſours, ane or maa, ilk perſon under the paine of fourtie punds. And having ended their Juſtice aires: they ſall deliver the extract thereof, ſubſcribed with their handes be indenture, to the Theſaurer, or his depute: Quhilkis ſall cauſe up take the ſummes, conteined in the ſaid extract, and make compt of the ſummes conteined therein, at the nixt Checker, before the auditour thereof. In the firſt end of quhilk ſummes, ſall be allowed to the Theſaurer or his depute, the charges and expenſes of the Juſtice and Clerkes, as the ſamin ſall be modified and appoynted be the Lords Auditores of his Hieneſſe Checker, or onie five of them. And to the effect that all Executiones and arreiſtmentes requiſite, may be dewlie prepared, before the cumming of the ſaidis Juſtice deputes:

It is ſtatute and ordained, that OUR SOVERAINE LORD, with adviſe of his Chancellar, Theſaurer, Juſtice-Clerk, ſall nominate and give Commiſſion to honorable and worthie perſons, being knawen of honeſt fame, and eſteemed na mainteiners of evill, or oppreſſion; And in degree, Erles, Lordes, Barronnes, Knightes, and ſpecial Gentle-men landed, experimented in the lovable Lawes and cuſtomes of the Realme, actuall in-dwellers in the ſame Schires, to the number hereafter limited, according to the boundes and quantitie of everie ſchire: That is to ſay, within the Countries and Schireſſedome of *Orkney* and *Zetland*, xiiij: Within *Innernes* and *Cromartie*, twentie ane: *Narne*, ſeven: *Elgin* and *Forres*, ſeven: *Bamff*, ſeven: *Aberdene*, twentie ane: *Kincardin*, ſeven: *Forfare*, fourtene: *Fife*, fourtene: *Kinroſſ*, ſeven: *Clack-mannan*, ſeven: *Perth*, twentie ane: *Striviling*, ſeven: *Dumbartane*, ſeven: *Linlithcow*, ſeven: *Edinburgh* principal ſeven: Conſtabularie of *Hadingtoun*, ſeven: *Berwike*, ſeven: *Roxburgh*, fourtene: *Selkirk*, ſeven: *Peblis*, ſeven: *Lanark*, fourtene: *Renfrew*, ſeven: *Argile*, ſeven: *Bute*, ſeven: *Air*, twentie ane: *Wigtoun*, ſeven: *Dumfreis*, twentie ane. Quhilkis ſall be the Kingis Commiſſioners and Juſtices, in the furtherance of Juſtice, peace and quietneſſe: Togidder with four of the Councell of everie Burgh, within the ſelfe: Quhilks ſall be conſtant and continual up-takers of dittay. Givand, grantand, and committand to them full power to take inquiſition, and make Dittay be their awin knawledge: Or be an ſworne inqueſt, or ſworne particular men, of all perſones ſuſpected culpable, of the crimes and defaultes conteined in the Table, to be maid be the Theſaurer, Juſtice Clerke, and Advocate, annexed to this preſent Act, divided in twa ſortes. And all perſones delated as culpable in the firſt degree; The ſaidis Judges and Commiſſioners, ſall ather apprehend and commit to waird (gif convenientlie they canne) Or els ſall deliver them in the Portuous, to the Crowner of the Schire, everie Moneth anis to be arreiſted, and put under ſovertie, be him, or his deputes, to the nixt Juſtice aire, to be halden twiſe in the zeir be the Kingis Juſtices deputes, directed from his Hieneſſe, in maner before ſpecified. And upon all perſones delated and ſuſpected, as culpable of the uther crimes and defaultes, in the ſecond degree: The ſaidis Juſtices and Commiſſioners in the Schires, ſall proceede and do Juſtice themſelves, at their courtes and meetinges, to be kept four times evrey zeir: That is to ſay, At the firſt day of *Maij*: At the firſt day of *Auguſt*: At the firſt day of *November*, and at the firſt day of *Februar*, or utherwaies, at ony time; three thereof, then being togidder, and alwaies ſitting in the Tolbuith, of the head Burgh of the Schire: And that they remaine at every ane of the ſaids four times in the zeir, three daies togidder, or langer, or ſhorter, as they finde occaſion: with power to them to direct their precepts & portuous, to the Crowners: and their precepts, to Schireffes or Officiars of armes,

to

to ſummound Aſſiſes, ilk perſon, under the paine of ten pundes. As alſwa to ſend their extractes to the Theſaurer, after everie ane of their four meetinges, to the effect, the paines and un-law therein conteined, may be taken up: Quhairof compt, reckning, and payment ſall be maid, at the nixt Checker, and the charges and expenſes of the ſaidis Juſtices and Commiſſioners, allowed therein, in ſik quantitie, as ſall be modified and appoynted, bee the Lordes of his Hieneſſe Checker, betuixt and the firſt day of *November*, nixt-to-cum. And in-caſe of diſobedience or contempt, that they notifie the ſame to the Kingis Majeſties deputes, at the ſaidis Juſtice airis. And gif they alſwa ſall finde them contemned and diſobeyed ony waies: to ſignifie the ſame to OUR SOVERAINE LORDE, and his ſecreit Councell, quha ſall provide for puniſhment of the contempt, be force, to the terrour and exemple of utheris offendoures, to commit the like in time cumming: And the ſaidis Juſtices of baith ſortes, for the ſpace of ane zeir, and further, induring OUR SOVERAINE LORDIS will, to indure.

82. *Hochares or ſlayeres of horſe, Oxen: deſtroyers of pleuch-graith, trees, cornes, or breakers of milnes, ſuld be puniſhed as thieves.*

ITEM, his Hienes ratifies the act maid anent the puniſhment of hochares of oxen, horſe and guddes in time of labouring; With this addition: That quhat-ſum-ever perſone or perſones cuttis and deſtroyes pleuch and pleuch-geire, in time of teeling, or willfullie deſtroyis and cuttis growand trees and cornes, ſall be called theirfore, before the Juſtice or his deputes, at Juſtice aires, or particular diettes, and puniſhed therefore to the death, as thieves. And the ſame paine to be extended, and ſtrike on breakers of milnes, or ſtickers, gorares, and fellares of oxen or horſe, in time of leeding of cornes or fewall.

83. *Officiars of armes, convict of falſed, ſuld be puniſhed to the death.*

ITEM, It is ſtatute and ordained, that Officiares of armes, committand falſed or oppreſſion of the Lieges, in execution of their Office, ſall be called therefore, before the Juſtice, or his deputes, at Juſtice aires, or particular diettes, and puniſhed to the death, in-caſe they be found culpable.

84. *Deforcers of Officiars, ſuld be puniſhed at the Kings will.*

ITEM, It is ſtatute, that all deforcers of Officiares, in execution of their Office, be ſummound upon fifteene daies warning, civillie or criminally, at the option of the party perſewer, and their lives and guddes to be in the Kingis will therefore.

85. *Letters of Law-borrowes ſuld nocht be granted againſt complices generallie: Anent caution to be found be the raiſers thereof.*

ITEM, It is ſtatute and ordained: That ſeeing in times by-paſt, letters of Law-borrowes, being given with this word (*Complices*) be the Clerks of Seſſion, hes imported, and daylie dois import great skaith, damnage and heirſhip, to ſindrie of his Hieneſſe Lieges, be plaine colluſion, betuixt the parties purchaſers, and Officiars executors of the ſame. That therefore na letters of Law-borrowes, be granted in times cumming, be onie Clerke, with power to charge complices: And that caution bee found to the Juſtice Clerk, and his deputes, that letters of Law-borrowes in times cumming to be granted, ſall be dewlie execute, upon all perſons conteined therein, ather perſonallie, or at their dwelling places, and be open Proclamation at the mercat croces, of the head Burgh of the Schire, quhair the parties dwellis, betuixt aucht houres in the morning, and twelve houres at noone, Summer and Winter, in open time of day; In preſence of famous witneſſes, ſpeciallie deſigned, and Copies affixed upon the zettes or doores of the dwelling houſes of the perſones conteined therein, with the haill names: And an uther on the mercat-croce, under the paine of twa hundreth markes. And willis and declairis, that this be alſwa obſerved in all criminall letters, and utheris quhat-ſum-ever, that importis tinſell of life, and moveable guddes.

86. *The time of fenſing of Courtes.*

ITEM, It is ſtatute and ordained, that all Judges, and amangſt the reſt, the Juſtice deputes, keepe the houre of Cauſe, in fenſing and proceeding in their Courtes, in times cumming, as it was obſerved of auld, *Viz.* At elleven houres, before noone.

87. *Expenſes of the partie accuſed and acquite.*

ITEM, It is ſtatute and ordained, that quhair parties ar maliciouſlie charged, to underlie the Law, at particular diettes, before the Juſtice, and his deputes, in-caſe they be found innocent, and clenged thereof: That their expenſes in time cumming, for keeping of the ſaidis diettes, be modified be the Juſtice, Juſtice-Clerke, and their deputes, beſide the ordinar paine of them that ar ather acquite, or paſt free.

88. *Of*

88. *Of perſones to be ſummound, to paſſe upon Aſſiſes.*

LIKE-Wayes it is ſtatute and ordained, that na Officiar, nor Officiares ſummound onie maa perſones upon aſſiſes, in time cumming, nor fourtie five perſones, to be given in roll, ſubſcribed be the partie purchaſer of the ſaidis letters: Or ane Notar in his name. Nor zit put out, nor put in the ſaidis Roll, onie perſones for gratitude or gude deede, under the paine to be called therefore, at particular diettes, before the Juſtice or his deputes, and puniſhed as commoun oppreſſoures to the death. And that Dittay be tane of all ſik Officiars, as hes uſed, or ſall uſe the ſame, and they to be called and puniſhed therefore, as ſaid is.

89. *Falſe Cuſtomers and ſearchers, ſuld be puniſhed.*

ITEM, It is ſtatute and ordained, that all Cuſtomers and Searchers, committand fraude in their Office, be over-ſight of the tranſporting of forbidden guddes foorth of the Countrie, for gratitude given to them, ſall be called therefore at Juſtice aires, and particular diettes, and puniſhed in their perſones, at OUR SOVERAINE LORDIS will, And all their moveable guddes, to be eſcheitted to his Hieneſſe uſe, in-caſe of their conviction.

90. *The haill Proces and probation, ſall be uſed before the aſſiſe, in preſence of the partie accuſed, and his Procuratoures.*

OUR SOVERAINE LORD, Conſidering the wranges alleged ſuſteined be diverſe Noble-men, and utheris Lieges of this Realme, being accuſed of treaſon, be ſolliſting, boaſting, and minacing of the aſſiſe, after they were incloſed: The accuſeres and utheris perſones their favourers, having libertie to paſſe to the ſaid Aſſiſe, and to produce to them ſik writtes and witneſſes, and uther probation, as they pleaſed, to verifie the crime, outwith the preſence of the parties accuſed: Quhairby the juſt defenſe of their lives, landes and honours, was taken awaie. THEREFORE our ſaid SOVERAINE LORD, with adviſe and conſent of the three Eſtaites of this preſent Parliament, hes ſtatute, declared, and ordained, that in all times cumming, the haill accuſation, reaſoning, writtes, witneſſes, and uther probation and inſtruction quhat-ſum-ever of the crime ſall be alledged, reaſoned and deduced, to the Aſſiſe, in preſence of the partie accuſed, in face of judgement, and na utherwaies. And that all and quhat-ſum-ever Lieges of this Realme, accuſed of treaſon, or for quhat-ſum-ever crime, ſall have their Advocates and Procuratoures, to uſe all the lauchfull defenſes, quhom the Judge ſall compell to procure for them; In-caſe of their refuſe, that the ſute of the accuſer be not tane *pro confeſſo*. And the partie accuſed, prejudged in ony ſorte, before he be convicted, be lauchfull tryall. And to the effect, the ſaidis Advocates and Procuratoures, may the mair freelie and willingly do their Office, in the Premiſſes: our ſaid SOVERAINE LORD, with adviſe and conſent foreſaid, annullis, caſſis and reſcindis, all and quhat-ſum-ever Actes of Parliament, and utheris ſtatutes maid be him, or onie of his Predeceſſoures of before, in contrair hereof.

91. *Of Aſſiſoures doubtand, and incluſing thereof.*

ITEM, It is ſtatute and ordained, that how-ſoone the haill perſute, defenſes and anſwers thereto, ar fullie heard be the Aſſiſe, gif onie of the ſaids aſſiſoures hes ony doubt, quhairof they wald be reſolved: That they propone the ſame openlie, in preſence of the parties, in face of the judgement, before they paſſe out of judgement themſelves. And immediatlie after that the ſaid aſſiſe hes choſen their Chancellar, the Clerk of the Juſticiarie, ſall incloſe the ſaid aſſiſe them allane, or in an houſe be themſelves, and ſuffer na perſon to be preſent with them, or repaire to them in ony waies, nather Clerke nor utheris, under pretenſe of furder information, reſolving of onie doubt, or onie uther cullour or occaſion quhat-ſum-ever. Bot that the ſaid houſe be halden faſt, and na man preſent therein, bot the ſaidis Aſſiſours, and that they be not ſuffered to cum out of the ſaid houſe, for quhat-ſum-ever cauſe, or to continue the giving of their ſentence to ane uther time: bot that they be incloſed, as ſaid is, unto the time they be fullie agreed, and returne their anſwere, be the mouth of the ſaid Chancellar, to the Judge. And our Soveraine Lord, with adviſe foreſaid, decernis, declaris and ordainis, that gif ony of the ſaids accuſers, informers of his Hienes Advocate, or uthers perſones quhat-ſum-ever, pretend in onie waies in time cumming, to informe, ſolliſt, reaſon, diſpute, ſpeak or repaire to the ſaid Aſſiſe, after their remooving foorth of judgement, and incloſing of them, in maner abone written: Or utherwaies tranſgreſſe onie poynt of this preſent act: In that caſe, the partie accuſed, ſall be halden and pronunced cleane, and innocent of the crimes and treaſons then layed to his charge. And this preſent acte, ſall be ane ſufficient warrand to all Aſſiſours in criminal cauſes hereafter, to pronunce the partie accuſed, cleane and innocent, in-caſe onie of the premiſſes beis contraveened.

92. *Anent the quieting of diſordered ſubjectes, inhabitants of the* Bordours, Hielandes, *and* Iles.

OUR Soveraine Lord, and his three Eſtaites conveened in this preſent Parliament, conſiddering the wicked inclination of the diſordered ſubjects, inhabitants, on ſum partes of the bordoures fore-anent *England*,

England, and in the *Hie-landes* and *Iles*, deliting in all miſchieves, and maiſt unnaturallie and cruellie waiſtand, herriand, ſlayand, and deſtroyand their awen Nichtboures, and native Countrie people, takand occaſion of the leaſt trouble that may occurre in the inner partes of the Realme, quhen they think that care and thocht of the repreſſing of their inſolence, is ony waies forzet: to renew their maiſt Barbarous cruelties, and godleſſe oppreſſiones. FOR remeid quhairof, attour and beſide the lovables Lawes and conſtitutions alreadie maid, in this behalfe: Quhilk OUR SOVERAINE LORD, with adviſe of his three Eſtaites, ratifies and approvis be thir preſentis: It is ſtatute and ordained, that the firſt day of everie Moneth in the zeir, gif it be lauchfull, and failzieng thereof, the nixt lauchfull daie, immediatlie following, ſall be a ſpecial and peremptour diet for his privie Councell, to conveene and ſit, baith in the fore-noone, and after-noone: For receiving, hearing, anſwering, and directing of all complaintes, cauſes and maters, concerning the miſ-rule of the diſordered and trouble-ſum ſubjectes, inhabitants of the *Hie-landes*, and *Bordours*, and attemptates committed be them, upon the gude and peaceable ſubjectes in the In-countrie, without prejudice of uther, and maa diettes to be appoynted for the ſame effect, gif the occaſion ſwa require: And ſpeciallie that upon the ſaid firſt day of everie Moneth, or uther nixt lauchfull day, tryall and inquiſition to be taken of the diligence done, in the execution of thinges directed the Moneth precceding, and of the thing neceſſar and expedient to be put in execution, during the nixt Moneth to cum thereafter: and that a particular regiſter be keeped be the ſelfe, of all thinges that ſall happen to be done, and directed in maters concerning the quietneſſe and gude rule of the Bordoures, and *Hie-landes*.

93. *Caution ſuld be found be Lands-lords, and utheris.*

THAT All Lands-lordes and Baillies of the landes, on the Bordours, and in the *Hie-landes*, quhair broken men hes dwelt, or preſentlie dwellis, conteined in ane Roll, ratified in the end of this preſent Parliament, ſall be charged to finde ſufficient Caution and ſovertie, Landed-men in the In-countrie, to the contentment of our SOVERAINE LORD, and his privie Councell: Betuixt and the firſt day of *October*, nixt-to-cum: Or within fifteene dayes after the charge, upon conditions following, under the paine of rebellion: And gif they failzie, the ſaid day being by-paſt, to put them to the Horne: That is to ſay, gif onie of their men, tennentes, ſervandes, and indwellers upon their lands, rowmes, ſteadinges and poſſeſſiones, or within their Baillieries, committis ony maiſterfull reiſe, thieft, or receipt of thieft, depredationes, open and avowed fire-raiſing, upon deadly feedes, protected and mainteined be their Maiſters: That the Landis-lordes, and Baillies, upon quhais Landes, and in quhais juriſdiction they dwell, ſall bring and preſent the perſones complcined upon, before OUR SOVERAINE LORDIS Juſtice, or his deputes, to abide tryall, and underly the Law for the ſame, upon fiftene daies warning, to be maid be them lauchfully: And failzeing theirof, that the ſaidis Landis-lordes and Baillies, be debt-bound, to ſatisfie the partie ſkaithed, and to refound, content, and pay to them their heirſchippes and ſkaithes, of their awin proper guddes and lands, according to the availl and quantitie tane fra the compleiners, quhilk ſall be modified be aith of the partie hurt, ather before the Lordes of Councell and Seſſion, or the Juſtice, or his deputes, quhair-upon execution ſall paſſe, baith againſt the principalles and ſoverties, in forme as effeiris. Providing alwaies, that the Landes-lordis, quha hes their landes lyand in far *Hie-landes* or *Bordours*, they making reſidence themſelves in the *In-lands*; and their tennentes and inhabitantes of their landes, being of Clannes, or dependars on Chieftaines, and Captaines of the Clannes, quhom the Landis-lordes ar nawaies able to command, but only gettes their mailles of them, and na uther ſervice nor obedience, ſall nawaies be ſubject to this act, bot in maner following, *viz*; They ſall be halden to direct their Precepts of warning, obteine decreetes againſt their tennentes, and denunce them to the horne. And immediatlie after their denunciation, that the ſaidis Landes-lordes, raiſe letters, be deliverance of the ſecreit Councell, and charge the Chieftaines and Captaines of the Clannes, on quhom their tennents dependis and obeyis, to take and apprehend the diſobedient tennents, and preſent them to the Juſtice, under the paine of rebellion: and in-caſe the Chieftaines diſobey, to cauſe denunce them to the horne, regiſter the ſame, and report the letters of horning, dewlie execute, indorſat and regiſtrat to the ſecret Councell, within the ſpace of 40. daies thereafter: quhairin, gif the ſaids Landes-lordes failzies, they ſall be ſubject to the former condition of this act: as alſwa, in-caſe the ſaidis Landes-lordes, at ony time hereafter, rentall or ſett tackes to ony of the ſaids diſobedient *Hie-land-men*, or *Bordour-men*, in ony their lands, and omittis to take ſufficient caution for them, that they ſall be anſwerable and obedient to our Soveraine Lords Lawes, and ſpecially that they ſall obey and obtemper the haill contents and effect of this preſent act: and that the Lands-lordes and Baillies, concur, fortifie, and aſſiſt uthers, in removing of all perſons diſobedient to the Lawes, or fugitive thereſra, out of their landes and poſſeſſions. And in-caſe ony refuſe to concur to the effect foreſaid, being dewly and lauchfully required. In that caſe it ſall be leſum to perſew the perſon refuſand, and his cautioner, for redres of the ſkaith, ſuſteined be the partie hurt, and the Lands-lordes and Baillies of the diſobedient perſon, to have the reliefe of the perſons refuſand. And in-caſe ony perſon, Landes-lord or Baillie, receive or receipt ony perſon fugitive, after the committing of the crime, upon their lands, or ſtayis or arreiſtis them nocht, quhen ever they paſſe throw their boundes, with onie trew mennes guddes, reſt or ſtollen, gif the ſame cummis ony waies to their knawledge,

or that it beis tryed that they micht have ſtaied or withſtand the ſaidis rieſes and oppreſſiones, Quhilk knawledge and power of the Over-lordes, ſall be tryed be ane Aſſiſe: The Maiſters, Landes-lords or Baillies, receipters of the offenders, or not ſtayand and arreiſtand them, paſſand throw their boundes, as ſaid is, ſall be halden to bring and preſent the perſones offendoures, to the Lawes, in maner foreſaid: Or els to pay and redres the parties skaithed, in maner abone written. And quhair the awners of the reſtand ſtollen guddes, followes not, the ſtayers and arreiſters of the perſones and guddes, paſſand throw their landes, ſall be halden to make certification, be publication at the mercat-croce of the head Burgh of the Schire; That the partie having intereſt, being thereby advertiſed, may challenge their awin guddes in ſex dayes ſpace, utherwaies, the ſtayers and arreiſters of the guddes, ſall not bee anſwerable therefore.

ITEM, Althought ſum of the Lordes of the ground, never uſis to make reſidence in the partes, throw the quhilkis thieves reſorts, in their paſſing to ſteall and rieve, and returne therefra: zit ſall they be bounden be their Baillies and tennentes, to make their arreiſtments, and ſtay and make publication of the ſame: gif it be in their power, or cummis to their knawledge: or utherwaies, to be halden and oblißhed for redres, as gif they dwelt upon the landes themſelves. And that the chiefe of the Clanne in the boundes, quhair broken men dwellis, throw the quhilkis limmeres and broken men, repairis in their paſſing to ſteall and rieve, or returning therefra, ſall be bound to make the like ſtay, arreiſtment, and publication, as the Landes-lordes, or Baillies, and be ſubject to the like redres and action criminall and civill, in-caſe of their failzie or negligence. And becauſe ſindrie immediat tennents, to OUR SOVERAINE LORD, hes diſponed their landes to utheris, halden of themſelves; In that caſe, it ſall be ſufficient for the Overlord, to enter and preſent his tennent and vaſſall, for anſwering for his ſub-tennent: And the Landes-lord, to have his reliefe upon his tennents there-anent, as accordis.

96. *The chiefe of all Clannes, ſall finde pleges.*

ATtour and beſide of the foreſaid ordour, deviſed againſt the Lands-lordes and Baillies, on quhais landes, and in quhais juriſdictiones the thieves, ſornares, and broken men dwellis and remainis: It is alſwa ſtatute and ordained, that the Captaines, Chieffes, and Chieftaines of all Clannes, alſweill on the *Hie-land*, as on the *Bordoures*, and the principalles of the branches of the ſaidis Clannes, to be ſpeciallie noted in ane Roll, ratified and inſert in this preſent Parliament: Quhilkis Clannes, dwellis upon the landes of diverſe Landes-lordes, and dependis upon the directiones of the ſaidis Captaines, Chiefes, and Chieftaines (be pretence of bloud, or place of their dwelling) Althought againſt the will oftimes of the Lord of the ground, be charged in maner, and under the paine abone written; to enter ſik perſones pleges, as ſall be nominate be the Kingis Majeſties letters to be direct to them, upon xv. daies warning, before his Hienes and his ſecreet Councell, at the dayes to be appoynted, to be placed, as his Hienes ſall think convenient, for keeping of gude rule in time cumming, according to the conditiones abone written, quhairunto the Landes-lordes, and Baillies, are ſubject; under the paine of execution of the ſaids pleges to the death, in-caſe of tranſgreſſion, and nocht redreſſe maide be the perſones offendares, for quhom the ſaidis pleges lyes. And that the ſaidis pleges ſall be relieved quarterlie, with uthers of the ſame clan or branche, to be ſpecially named, alſoone as may be, after the beginning of this ordour. And that the ſaids pleges ſall be keeped in the Kinges ſtrait-ward, upon their awen expenſes, ay and quhill the principalles of the clanne or branches, find ſufficient and reſponſal ſovertie, acted in the buiks of ſecreete Councell; that the pleges entred, ſall keepe trew warde, ay and quhill they be freed, and relieved ordourlie. And zit the perſones with quhome they ſall happen to be placed to remaine; ſall on nawaies give their licence or libertie to the ſaides pleges, to departe or paſſe hame, under the paine of 2000. punds, to be payed be everie Noble-man, Barron or Gentle-man, that grant ony ſik licence. Quhilk caution being anis funden, the ſaides pleges ſall be placed to remaine with Noble-men and Barronnes in free ward uncharged, with the buirding of their awin expenſes, And all Clannes, Chieftaines, and branches of Clannes, refuſand to enter their pleges at the day, and in maner conteined in the charge, to be directed to that effect; to be eſteemed publick enemies to God, the King, and all his trew and faithfull ſubjectes, and to be perſewed with fire and ſword, quhair ever they be apprehended, without crime, paine or danger, to be incurred be the doers there-throw. And that compt be tane, anis in the zeir, at the firſt day of *November*, quhat perſones pleged for, ar dead, and quhat zoung men ſprung up in their race and Clanne, able to offend. And quhair complaint is maid upon ony perſon pleged, for the principal of the Clanne or branch, to be charged, to preſent the offenders, before the King or his Councell, or before the Juſtice and his deputes, to underlie the Law for the ſame. And in-caſe of failzie of the preſenting of the perſon or perſones, compleined upon, the plege lyand for the ſaid perſon, to be execute be Juſtice, and the principal clan or branch to be preaſed to enter new plege, and to be ſtill debtor to the party grieved, for his skaith ſuſteined.

95. *All men borne in the* Hie-landes *and* Bordours, *returne to the place quhair they were borne.*

ITEM, That all ſik notorious thieves, as wer borne in *Liddiſ-daill*, *Eſk-daill*, *Euſ-daill*, *Annan-daill*, and the landes, ſum-time called *Debaitable*, or in the lands of the *Hie-lands*, that hes lang continued inobedient,

obedient, ſall be remooved out of the *In-land*, quhair they ar planted, and preſentlie dwellis or haunts, to the parts quhair they were borne: Except their Lands-lordes, quhair they preſently dwell, will become ſoverty for them, to make them anſwerable to the Law, as the *Law-land* and obedient men, under the paines conteined in the acts of Parliament.

96. *Anent the regiſter of pleges, and utheris.*

ITEM, It is ſtatute and ordained, for furtherance of the quieting of the inobedient *Bordours* and *Hielandes:* That a buik be maid conteining the names of the pleges, entred, and to be entred for gude rule, and of the haill perſones, for quhom they lye, and be quhom the pleges ſuld be relieved: As alſwa that a regiſter be maid of the haill Parochiners of the landes, inhabite be thieves and diſobedient perſones, in the *Hie-landes*, and *Bordours:* The names of the Landis-lordes, and tounes in everie Parochin, and of the haill men, inhabitantes thereof, paſt the age of ſextene zeires: Quha ar Landis-lordes, or Baillies of everie land or toun: Or of quhat Clanne, or branch, the ſaidis inhabitantes ar. And that the name of onie perſon that hes entred on the broken landes, after the remooving of onie uther inobedient perſon therefra, be ſend to the keeper of the ſaid regiſter, within twelve dayes, nixt after his firſt entrie.

97. *Vagaboundes ſall be charged to finde pleges, and their receipters ſall ſatisfie the partie.*

BEcauſe, after all diligence done, alſweill againſt the Landis-lordes and Baillies, as againſt the Chieftaines and principalles of Clannes, there will be a number of vagaboundes un-pleged, or anſwered for be their Landis-lordes or Baillies: It is ſtatute and ordained, that letters ſall be directed: Chargeing all ſik vagaboundes, and un-anſwerable men, be open Proclamation, at the mercat-croce of the head Burgh of the Schire, quhair they haunt, or head Burrowes of the twa nixt Schires in the *Law-land*, (*ubi non patet tutus acceſſus*) To finde ſovertie to underlie the Law, the thrid daye of the nixt Juſtice aire, or ſooner, upon fiftene dayes warning, under the paines conteined in the Acts of Parliament. And in-caſe they finde not ſovertie within ſex dayes, and enters not themſelves, under pleging, to be denunced rebelles and fugitives, and they and their receipters, to be perſewed thereafter, quhill they be apprehended and puniſhed for their demerites: And that the parties skaithed, have competent action, civil or criminal, againſt the Magiſtrates or uthers, within quhais boundes, juriſdiction or power, ſik vagaboundes and fugitives, ar wittinglie receipt, with the guddes ſtollen or reft, in their paſſing, remaining or returning.

98. *Bandes given be the cautioners, obliſhis their aires.*

ITEM, It is declared, ſtatute and ordained, That all bandes, actes, and obligationes, maid or to be maid, be quhat-ſum-ever perſons, for quhat-ſum-ever broken men, pleges, or utherwaies received for the gude rule, quietneſſe of the *Bordoures* and *Hie-landes*, or onie thing depending thereupon, ſall be extended againſt the aires and ſucceſſoures, of their ſoverties and cautioners: Although ſpecial mention be not maid in the Acts, that they obliſhed themſelves, their aires and ſucceſſoures.

99. *Divers ſureties being maid ſall be vailzeable, and the ane ſtoppis not the uther.*

ITEM, It is declared, ſtatute and ordained, that the ſuretie maid be the Landis-lordes and Baillies, ſall not be prejudicial nor ſtop the ſuretie maid be the Chieftaines and principalles of Clannes: Nor be the contrair, the ſuretie maid be them to the Landis-lords and Baillies.

100. *The maner how guddes taken away, may be repeated.*

ITEM, It is ſtatute and ordained, that quhen-ſo-ever ony heirſchippes, oppreſſiones, rieſes, ſorninges and thieftes, ſall happen to be committed within ony part of this Realme, in the *Hie-landes* or *Bordoures* theirof, be onie Captaine of Clanne, or be ony uther Clanned man, againſt onie of OUR SOVERAINE LORDIS Leill and trew ſubjectes in time cumming: And the guddes ſwa tane up, tranſported to onie uther Clanned mannis boundes, received and mainteined therein, or diſponed upon: and the ſame cum to the knawledge of the partie harmed and damnified, Ordainis him firſt to require, or cauſe require redreſſe thereof, at the chiefe of the Clanne, or Chieftaine of the Cuntrie, quhairin the ſaidis guddes ſall be received or remaine, for the ſpace of twelve houres, of his witting, to make redreſſe and reſtitution of the ſame guddes, within fiftene daies after he be required thereto: Quhairin gif he failzie, it ſall be leſum to the partie harmed, to call, conveene, and perſew the chiefe captaine, ſuperiour and principalles of that Clanne, within quhais boundes the guddes and geare ſwa tane, ſall be received and ſparpalled, and under their protection mainteined; before the Judge ordinar, criminally or civilly, and upon ſufficient proofe, to be led be the partie harmed, that the guddes were ſauld or diſponed upon, within ſik boundes, be the witting and knawledge of the ſaid Chieftaine or Superiour, and principalles of the Clanne, they being of power to have reſiſted the ſame: They to be anſwerable for the ſame guddes,

and decreete to be given againſt them, with the profites thereof: Sik-like, and in the ſame maner, as micht or ſuld have bene given againſt the perſones committers of the deede themſelves: and executorialles to paſſe thereupon, in forme as effeiris. And als, gif it ſall happen the partie harmed, be the perſones committers of ſik enormities, to follow and perſew his awin guddes and gear tane, as ſaid is, for the recoverie of the ſame: and in the reliefe of his awin guddes and geare, to ſlay, hurt or mutilat, onie of the takers thereof: It is hereby expreſſelie declared, ſtatute and ordained, that the ſaid partie harmed, or his aſſiſtares, and complices, ſall never be accuſable of ony ſik ſlauchter, mutilation, or uther hurt: Bot als freelie remitted and diſcharged in that behalfe, as gif he had our SOVERAINE LORDIS ſpecial Commiſſion to that effect. And als ordainis and declaris, that quhat-ſum-ever perſones ſall happen hereafter, to beare feede for ony ſik ſlauchter, hurt, or mutilation, ſall be ſubject to the paines and action abone written: And it ſall be lauchfull to the partie harmed, to call and conveene them criminallie or civilie, at his option, for the ſaidis rieſes and oppreſſiones, in maner before ſpecified.

101. *Mainteiners and receipters of thieves, ſall be anſwerable for their doings.*

ITEM, Quha bringis onie *Scottes* or *Engliſh* thiefe in his companie openlie or privatelie, to the Kingis Majeſties Court, or Burgh of *Edinburgh*, or requeiſtis for him, to hald him back fra the dew puniſhment appoynted be the Law, without licence of the King, his Lieu-tennent or Wardane: Sall be ſubject to the action Criminal or civill, of him quhom unto the ſaid thiefe hes offended be thieft, or rieſe: Or be compelled for the ſame to redreſſe, as principal thiefe or reivar. And quhat-ſum-ever *Engliſh* thieves, ſall cum in onie part of *Scotland*, without licence of the King, his Lieu-tennent or Wardan, ſall be taken and uſed as lauchfull priſoners: And quha-ſa-ever wald avow ſik thieves to be their priſoners, or brocht in be them upon licences, ſall nocht keepe them in companie in the Kingis Court or Palice, or in the hie ſtreit, quhair his Hieneſſe, or his Juſtice fittis, and remainis, bearand weapons: bot hald them in cloſe houſe, fra their cumming, to their departing: under the paine to be repute as favourers, foſterers, and mainteiners of thieves and thieft, and to be puniſhed therefore, conforme to the lawes of the Realme.

102. *Dittay ſuld be taken up anent blak-maill.*

ITEM, It is ſtatute and ordained, that the Juſtice Clerk, and his deputes, and the Kingis Commiſſioners, conſtitute to further Juſtice, quietneſſe and gude rule in all Schires, ſall diligentlie inquire and take up Dittay, of the up-takers and payers of black-maill, and to make rentalles of the quantitie thereof: And to perſew alſweill the takers, as payers thereof, at Juſtice aires, or particular diettes, and do Juſtice upon them, according to the Lawes, and receive ſovertie, under great paines, that they ſall abſteine in time cumming.

103. *Landis-lordes and utheris, ſuld preſent zeirlie treſpaſſours, to the Juſtice.*

ITEM, It is ſtatute and ordained, that the Juſtice-Clerk, ſall twiſe in the zeir, *Viz.* At the firſt dait of *Marche* and *September*, procure the Kingis Majeſties cloſe Valentines, to be ſent to the Maiſters, Landis-lords, Baillies and Chieftaines of all notable limmers and thieves, chargeing to preſent them, outher before his Majeſties ſelf, or before the Juſtice, and his deputes, at the day and place to be appoynted, to underly the lawes, conforme to the lawes and generall bande, and under the paines conteined in the ſame, and to try quhat obedience, beis ſchawin be the perſones, quhom unto the ſaidis Valentines, ſall be directed: And in-caſe of their contempt, be undewtifull anſwere, to put themſelves to the knawledge of an Aſſiſe, and miniſter Juſtice upon them, conforme to the Lawes and generall bande.

104. *It is not leſum to ane* Scottes-bordourer, *to marie with ane other in* England.

ITEM, Sen experience declaris, that the mariage of the Kingis Majeſties ſubjectes, upon the dauchters of the broken men and thieves of *England*, is not only an hinderance to his Majeſties ſervice and obedience: Bot alſwa to the common peace and quietnes, betuixt baith the Realmes: It is therefore ſtatute and ordained, be our Soveraine Lorde, and the three Eſtaites of this Parliament: That nane of his ſubjectes preſume to take upon hand to marrie with onie *Engliſh-woman*, dwelling in the oppoſite Marches, without his Hienes expreſſe licence, had and obteined to that effect, under the great Seale: under the paine of death, and confiſcation of all his guddes moveable: And that this be a ſpecial point of dittay in time cumming.

105. *The Wardane ſuld put in Bill the names of all* Engliſh-men, *quha occupies poſſeſſiones in* Scotland.

ITEM, It is ſtatute and ordained, that the Wardanes of the Marches, fore-anent *England*, take diligent inquiſition, quhat *Engliſh-men* occupies ony *Scottis* ground, in paſtourage or tillage: and they bill the

the persons offenders in that behalfe, against the treaties, and seeke redresse, according thereto, as they will answere upon their allegeance, at their hiegheſt charge and perrell, and under the paine of incurring of his Hieneſſe indignation and displeasour.

106. *The pleges of the* Bordours, *suld be placed in the North-side of* Forth, *and the* Hie-land *pleges, on the South-side thereof.*

ITEM, It is thocht expedient, statute and ordained; That all pleges received for the gude rule and quietneſſe of the *Bordours*, sall be placed on the North-side of the water of *Forth*, without exception or dispensation, and the pleges for the gude rule of the *Hie-lands* and *Iles*, to be placed on the South-side of the same water of *Forth:* And that the Justice-Clerke, and his deputes, to quhom the care of this ordour is committed, take speciall regaird to the dew execution hereof, as they and everie ane of them will answere upon the execution of their office.

107. *Anent the reliefe of the Landis-lord or Baillie.*

ITEM, For reliefe of the Landis-lord or Baillie, that sall happen to be charged for entrie of his tennentes or persones, dwelland under his jurisdiction, to underly the Law, or to make redresse, that he use warning, and seeke the ordour of remooving, against his tennentes and occupiers of the ground, and make them the Kingis rebelles, within the space of fourtie dayes, after the nixt terme, un-receiving mailles or dewties fra them, in the meane time. Quhairin his diligence being tryed and fundin gude and sufficient, be the Kingis Majeſtie, and his privie Councell, Or be his Justice and his deputes: And that he performe all thinges that he culd, or that was in his power to do, after the fact com to his knawledge: In that case, he sall be relieved of the paine and danger of the Law.

108. *Malefactoures fugitive, hes na action contrair the executours of the Law against them.*

ITEM, In-case onie Landes-lorde, Baillie or chieftaine of Clanne, sall happen to be burdened, with the taking and presenting of ony Malefactour, and that the same Malefactour is fugitive fra the Law, and refuſis to relieve his Landis-lord, Baillie, or chieftaine: And that there-throw, according to the Lawes and generall band, they sall bee constrained to burne the said disobedient persons house, and to hald them, their wives and bairnes off the ground: It is statute and ordained in that case, that the saidis disobedient persones, their aires, wives, bairnes, nor na utheris pretending richt fra them, or be their deede or occasion, sall have onie action criminall or civill, for the saide remooving, burning and ejection, bot sall be simplie assoilzied therefra, and all that may follow there-upon, quhen-ever or quhere-ever the same sall be persewed.

109. *The sellers of guddes perteining to Malefactoures, suld be punished.*

ITEM, That sik mediat persones, as takis upon them to be selleris of the guddes of thieves or inobedient persones, and Clannes, that dare not cum to publick mercates in *Law-land* themselfes, quhairby the execution of the acts maid anent thieves and Sornares of Clannes, is greatly impeded and defrauded, sall for that deede, being tryed culpable theirof, incurre the paine of banishment, and confiscation of all their guddes moveable: The ane halfe to our Soveraine Lords use, and the uther halfe to the partie apprehender and suiter.

110. *Kirk-men suld not warrand, but fra their awin deede.*

ITEM, It is statute and ordained, be OUR SOVERAINE LORDE, and three Estaites of Parliament: That quhair there is diverse of the Bishoppes, Abbotes, Prelates of this Realme, that hes sett their livinges, for certeine summes of money, to be payed to them for their life-rentes: As alswa hes disponed diverse and sindrie pensiones, foorth of the twa part of their benefices; partlie to their Conventes, and partlie to utheris: And for the reddier and mair sure payment, hes assigned the same to be tane up, of the readiest of the saidis Bishoppes, Abbotes and Prelates few-landes, quhilkis being now assigned and annexed to the Crown; the saidis possessours, will be put therefra, and the saidis Prelates called for their warrand, quhilk will be sa great action, and import sik skaith unto them, that they will never be able to susteine na honest ranck. THEREFORE OUR SOVERAINE LORDE, having consideration, that the saidis temporall Landes, is taken fra the saidis Prelates, be Act of Parliament, and Law of our Realme, and dissolved fra their benefices, swa that na fraudfull deede, can be alledged, in the person of the saidis Prelates: His Majeſtie, with advise of his three Estaites, hes ordained, that the saidis Prelates, quhais landes ar assigned and annexed to the Crown, and dissolved fra their saidis benefices: They sall be na-wayes halden to warrand, tack, pension, assignation, or uther disposition quhat-sumever, maid of the Temporall landes of the saidis Benefices, fermes or profites thereof, unto the possessoures, nor na

utheris: Bot ſall be free fra all warrandice in time cumming, Notwithſtanding ony contract, penſion, or aſſignation thereof, maid in times by-paſt. Providing alwayes, that quhair the ſaidis Biſhoppes, Abbotes and Prelates, be their awin deede, hes maid double richtes, ather tackes, penſiones, aſſignationes, or uther diſpoſitiones of onie thing, diſponed furth of the ſaid Temporall landes, fermes or profites thereof, to twa or maa ſeverall perſones, poſſeſſoures of the ſaidis Temporall Landes, or utheris quhat-ſumever: They ſall be halden to warrand the ſaidis double richtes, maid to them, for their awin deede and diſpoſition allanerly. And ordainis the Lordes of Seſſion and Councell, to Judge according to this Act, as ane of the Lawes of our Realme.

111. *The taxation of the Burrowes ſuld not be altered.*

OUR SOVERAINE LORD, And three Eſtaites of Parliament, underſtanding that be the late annexation of Kirk-landes to the Crown, the taxt of the Clergie mon be altered, and ane great parte thereof, layde upon the ſaidis Temporall annexed landes. And becauſe the free Burrowes of this Realme, abidis in the ſame Eſtaite, quhairin they were of before: Therefore our ſaid SOVERAINE LORD, now after his perfite age of twentie ane zeires compleit, with adviſe and conſent of the three Eſtaites of this preſent Parliament, ſtatutis and ordainis, that the taxation of Free-Burrowes, ſall na-wayes be altered, but ſall ſtand as the ſame ſtude, in all times preceeding: That is to ſay, their part of all generall taxationes in time cumming, ſall extend to the ſext part thereof allanerlie.

112. *Na Burgh may ſell their freedome, without conſent of the Parliament.*

FORSAMEIKLE As it is not lauchfull to onie of the Kingis vaſſalles, to ſell and annalie their lands, in prejudice of his Majeſtie, their ſuperiour: Even ſa it is found expedient, ſtatute and ordained, be OUR SOVERAINE LORDE, and three Eſtaites in this preſent Parliament: That it ſall not be lauchfull to onie of his Hieneſſe free-Burrowes, to ſell or annalie, their freedome and priviledge, in haill or in part, to onie uther Burgh, or utherwayes quhat-ſum-ever, without expres licence and conſent of his Hieneſſe, and three Eſtaites in Parliament, under the paine of amiſſion and tinſell of the free-dome of the Burgh: Outher byand or ſelland the ſaidis free-domes, in haill or in part, as ſaid is.

113. *The Commiſſioners of ſmall Barronnes, and Free-halders, hes voite in Parliament.*

OUR SOVERAINE LORDE, Conſidering the Acte of his Hieneſſe Parliament, halden at *Linlithcow*, the tenth day of *December*, the zeir of God, ane thouſand, five hundreth, fourſcore five zeires: Makand mention, how neceſſar it is to his Hieneſſe, and his Eſtaites, to bee trewlie informed of the needes and cauſes perteining to his loving ſubjectes in all Eſtaites, ſpeciallie the Commounes of the Realme. And remembring of ane gude and lovable Acte, maid be his Hieneſſe Progenitour, King JAMES the Firſt, of worthie memorie, in the Parliament halden at *Perth*, the firſt day of *March*, the zeir of God, ane thouſand, four hundreth, twentie ſeven zeires, anent the commiſſioners of ſmall Barronnes in Parliament: That his Majeſtie, and his ſaidis Eſtaites, wald ratifie and appreeve the ſame to have full effect, and to be put to execution in time cumming: and of new, ſtatute and ordaine, for the mair full explanation of the ſame act, and certaine execution thereof; that precepts ſuld be directed foorth of the Chancellarie, to ane Barron of ilk Schire firſt, To conveene the free-halders within the ſame Schire, for chuſing of the Commiſſioners; as is conteined in the ſame Acte: Quhilkis Commiſſioners, being anis choofen, and ſend to Parliament, the Precepts of Parliament, for conveening of free-halders, to the effect foreſaid, to be directed to the laſt Commiſſioners of ilk Schire, quhilkis ſall cauſe cheiſe twa wiſe men, being the Kingis Free-halders, reſident indwellers of the Schire, of gude rent, and weill eſteemed, as Commiſſioners of the ſame Schire, to have power and to be authorized, as the Act proportis, under the Commiſſioners Seale, in place of the Schireffes: And that all Free-halders of the King, under the degree of Prelates and Lords of Parliament, be warned be Proclamation, to be preſent at the chooſing of the ſaidis Commiſſioners: and nane to have voit in their election, bot ſik as hes fourtie ſhilling land in free-tennendrie, halden of the King, and hes their actuall dwelling and reſidence within the ſame Schire. Quhilk mater, being remitted be the ſaidis Eſtaites, conveened in the ſaid Parliament at *Linlithcow*, to the will and good conſideration of our ſaid Soveraine Lord, to doe and ordaine therein, as his Hieneſſe ſuld think maiſt expedient and requiſite, betuixt and his nixt Parliament: And now his Majeſtie intending, God willing, to take ordour for the finall ſetring and eſtabliſhing of that gude forme and ordour, maiſt meete and expedient to ſtand in perpetuitie in this behalfe, according to the effect of the ſaid Acte of Parliament, maid at *Linlithcow*, in conſideration of the great decay of the Eccleſiaſticall Eſtait, and uthers maiſt neceſſar & weightie conſiderations mooving his Hieneſſe: Therefore his Majeſtie, now after his lawfull and perfite age of xxj. zeires compleit, ſittand in plane Parliament, declaris and decernis, the ſaid Act maid be King *James* the Firſt, to take full effect and execution, and ratifies and apprievis, the ſame be thir preſentes: And for the better execution thereof, ordainis the Commiſſioners of all the Schireffe-domes of this Realme, according to the number preſcrived in the ſaid Act of Parliament, to be elected be the Free-halders foreſaidis, at the

firſt

firſt head Court after *Michael-mes* zeirlie: Or failzieing thereof, at onie uther time, quhen the ſaids Free-halders pleaſe conveene to that effect: Or that his Majeſtie ſall require them thereto: Quhilks conventiones, his Majeſtie declaris and decernis, to be lauchfull: And the ſaidis Commiſſioners being choſen, as ſaid is, for ilk Schireffedome, their names to be notified zeirlie in writte, to the Director of the Chancellarie, be the Commiſſioners of the zeir preceeding, and thereafter, quhen onie Parliament, or generall Convention is to be halden: that the ſaid Commiſſioners be warned at the firſt, be vertew of precepts furth of the Chancellarie: or be his Hieneſſe miſſive letters or charges: And in all times thereafter, be precepts of the Chancellarie, as ſall be ditected to the uther Eſtaites. And that all Free-halders bee taxt for the expenſes of the Commiſſioners of the Schires, paſſing to Parliament or generall Councelles, and letters of poynding or horning, to be direct for payment of the ſummes taxt to that effect, upon ane ſimple charge of ſex dayes warning allanerlie. And that the ſaid Commiſſioners authorized with ſufficient Commiſſiones of the Schireffedome, fra quhilk they cum, ſealed and ſubſcrived with ſex at the leaſt of the Barronnes and Free-halders thereof, ſall be equall in number, with the Commiſſioners of Burrowes, on the Artickles, and have voit in Parliament and generall Councelles in time cumming: And that his Majeſties Miſſives, before generall Councelles, ſall be directed to the ſaidis Commiſſioners, or certaine of the maiſt eweſt of them: As to the Commiſſioners of Burrowes, in time cumming. And that the Lordes of Councell and Seſſion, ſall zeirlie direct letters, at the inſtance of the ſaidis Commiſſioners, for conveening of the Free-halders, to chuſe the Commiſſioners for the nixt zeir, and making of taxation: to the effect abone written. And that the compeirance of the ſaids Commiſſioners of the Schires in Parliaments, or generall Councelles, ſall relieve the haill remanent ſmall Barrones, and Free-halders of the Schires, of their ſuites, and preſence, aucht in the ſaids Parliaments. Providing alwayes, that the ſaids ſmall Barronnes, obſerve there promiſes and conditions, maid to his Majeſtie. Upon the quhilk declaration and ordinance, maid and pronunced be our Soveraine Lord, ſittand in plaine Parliament, as ſaid is; *John Murray* of *Tullibardin*, asked Actes and Inſtrumentes: And *David*, Earle of *Crawfurd*, Lord *Lindeſay* for himſelfe, and in name and behalfe of uthers of the Nobilitie, proteſting in the contrair.

114. *The juſt quantitie of wechtes, mettes and meaſures.*

FOrſameikle As in our Soveraine Lordis late Parliament, halden at *Edinburgh*, the twentie nine day of *Julij*, laſt by-paſt: his Hieneſſe and his three Eſtaites conveened therein, mooved be the generall complaint of all his loving and gude ſubjectes: Bot ſpeciallie the puir fermorares and labourers of the ground: Gave, granted, and committed, full power and Commiſſion of Parliament, to his truſtie and weil-beloved Counſellers, and utheris after ſpecified: They ar to ſay, Maiſter *David Makgill*, of *Niſbet*, his Hieneſſe Advocate: Maiſter *David Carnegie*, of *Culluthie*: *Robert Fairlie*, of *Braid*: Sir *Archebald Naper*, of *Edinbillie* Knight, Generall of his Hieneſſe Cuinzie-houſe: *John Arnot*, Commiſſioner of *Edinburgh*: *William Fleming*, Commiſſioner of *Perth*: *Robert Foreſter*, Proveſt and Commiſſioners of *Striviling*: And *Heugh Campbell*, Proveſt and Commiſſioner of *Irving*: Or onie ſeven, ſex, or five of them conjunctlie: The ſaid Lord Advocate, being ane: To conveene in his ludging, within the Burgh of *Edinburgh*, als oft as they ſall thinke expedient, betuixt and the laſt day of *Auguſt* by-paſt, and thereafter ſicht and conſideration of the Lawes and Actes of Parliament, maid anent mettes, meaſures, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifference: To ſett, make and eſtabliſh ane juſt mette, meaſure and wecht, to be commoun and univerſall, amangſt all OUR SOVERAINE LORDIS Lieges; To buy, ſell, receive, and give out: and to preſent the ſame to his Hieneſſe, and his privie Councell, betuixt and the twentie ſex day of *Maij*, nixt-to-cum: That the ſame micht be notified, to all OUR SOVERAINE LORDIS Lieges, with all convenient ſpeede and diligence thereafter: As the ſaidis Commiſſioners wald anſwere to his Hieneſſe, upon their obedience: Ordaining letters to be directed, to charge and compell hereto, gif neede be, in forme as effeiris: Like as at mair length is conteined in the ſaid Commiſſion, given be Act of Parliament, in maner foreſaid: According to the quhilk, a ſufficient number of the ſaids Commiſſioners, conveening, and having ſeene and conſidered, the ſaidis Lawes and Actes of Parliament, maid anent mettes, meaſures, and wechtes, in time by-gane, and groundes quhairon they have proceeded, havand regard to equitie and indifference: hes ſett, maid, and eſtabliſhed, ane mett, meaſure and wecht, to be commoun and univerſall, amangſt all our Soveraine Lords lieges, to buy, ſell, receive, and give out, and thereupon hes delivered their report and concluſion, ſubſcribed with their hands, bearand in effect, that they have ſichted, red, and conſidered, the ſaidis Lawes and Actes of Parliament, maid anent mettes, meaſures, and wechtes in times by-gane: the perfite grounds quhairon they have proceeded: that is to ſay, the Elvand, the pund *Trois*, and the ſtane proportionat and effeirand thereto: the boll-mett, firlot and peck: the pint, quart and gallon, everie ane in their awin proportion. And hes found that maiſt wiſely, the proportions and grounds of all thir wechtes, mettes, and meaſures, hes bene ſa eſtabliſhed of auld, that everie ane of them, comptrollis uthers, and be juſt conference, makis and eſtabliſhis, ane certaine meaſure and wecht, and therefore hes thoucht maiſt expedient, that the ſame proportion and comptrolment be obſerved in all time cumming. And firſt hes fund the Eln, and ſtand thereof, committed to *Edinburgh*, con-

conteining 37. inches: The ſtane conteining xvj. li. *Trois*, ilk *Trois* punde, conteining xvj. unce. The pint of *Striviling*, ij. pund, and ix. unce *Trois* wecht of cleir water: All the premiſſes, to obſerve a juſt proportion, according to the Law and Actes of Parliament: and as to the firlot, quhairof there hes bene mention maid in the Act of King *James* the Second, to have bene of 18. pints: having tried and comptrolled the ſame in deepnes and bread, be the Elnwand, and in quantity and wecht, be the ſaid ſtope of *Striviling*, hes found the ſame les in proportion, nor it aucht to be, beand comptrolled be the reſt of the wechtes and meaſures abone written, and this as appeiris eareſt be error of the Prenter: be reaſon that be juſt calculation and comptrolment, the ſamin extended to 19. pintes, and a jucat. And for eſchewing of fraud, hes thoucht expedient, that all victuall ſall be meaſured be ſtraik. And be reaſon that malt, bear, and aites, hes bene uſed to be meaſured be heap, hes fund be examination and triall, that the heap in proportion, is the juſt thrid of the firlot or peck: Therefore remitted to the Kingis Majeſtie, and Lords of ſecret Councell, whidder they thocht it maiſt expedient, to cauſe make ane particular meaſure for metting malt, bear, and aites be ſtraik: Or that ane meaſure ſuld ſtand univerſallie, to receive and deliver three for twa, or ſex for four of malt, bear and aites, according to the proportion of victuall, and ſtuffe uſed in times by-paſt to be mette by ſtraik, ſik as quheit, rie, beanes, peaſe, meall, ſalt, and quhite, ſauld in the mercattes and the Countrey: except the water mett, to remaine according to the uſe of the Cuntrie. Sik-like, that there be double ſtanderts of the foreſaidis wechtes, mettes and meaſures maid of braſſe: the ane of everie ane of them to remaine in the regiſter, and the uther, with the Towns, to quhom they have bene committed of auld, to be direct furth to the haill lieges, to be uſed univerſally, and this without prejudice to onie perſons, quha ar founded, infeft, or addebted be tack, or contract of auld, or new formes of utheris meaſures, bot that their foundation, infeftment, tack or contract, ſall ſtand in effect, and the meaſure of their foundation, infeftment, tack or contract, ſall be proportioned to the meaſure now to be eſtabliſhed be his Majeſtie, his Parliament and Councell: Swa that the ſame quantitie ſall remaine with the giver, and the receiver, but prejudice of onie of them, as the ſaid report, exhibit to the Lordes of ſecreet Councell, at mair length proportis: Quhilk being ſeene, conſidered and allowed be them: They therefore, according to the power and authoritie of the ſaid Parliament, and report of the ſaidis Commiſſioners, have decerned and ordained, and be thir preſentes, decernis and ordainis, the Firlot to be augmented, and the ſtandert thereof to be of the forme after ſpecified: And to conteine nine-tene pintes, and twa Joucattes: And this to be the meaſure of all victuall and ſtuffe, uſed in times by-paſt, to be ſauld be ſtraike, ſik as Quheite, Rie, Peas, Beanes, Meale, and quhite Salt, ſauld in mercats, or in the Countrie: The widenes and breadneſſe of the quhilk Firlot, under and abone, even over, within the buirdes, ſall conteine auchtene inches, and ſext part of ane inche: The deepenes, ſeven inches, and halfe inche. And the Pecke to be maid effeirand thereto. And that the ſteppes of the ſaid Firlot, be of the auld proportion in thickneſſe of baith the buirdes, ane inche & ane halfe: That the bottome thereof be croſſed with iron, nailed to the ſame, and to the ring of the Firlot: and the edge of the bottom, entring within the lagene, be pared out-with, towarde the nether ſide, and to be maid in-with plaine and juſt rule richt: That the mouth be ringed about with ane circle or girth of iron, in-with and out-with, havand a croce iron barre, paſſing over fra the ane ſide to the uther, three-ſquared, ane edge downe, and a plaine ſide up: Quhilk ſall gang rule right, with the edge of the Firlot, and everie ſquare ſall be ane juſt inche of breadth: And that there be ane prick of iron, ane inche in roundneſſe, with ane ſhoulder under and abone, riſing upright, out of the center or middeſt of the bottom of the Firlot, and paſſing throw the middeſt of the ſaid over-croce barre, ruiffed baith under and abone: And that the Cowper cauſe the right ſtraike of the ſaid Firlot, paſſe fra the ane end of the ſaid over iron barre, to the uther. And be reaſon that Malt, Bear, and Aites, hes bene uſed to be meaſured be heape: and for eſchewing of fraud, thinkis expedient and ordainis, that all victualles ſall be meaſured be the ſtraike in time cumming: Seeing be the juſt tryall and examination, the heape in proportion, is found the thrid of the Firlot or peck: And that the foreſaid meaſures of the Firlot and Peck, ſtand univerſallie: receiving and delivering three for twa, or ſex for four, of Malt, Beir, and Aites, according to the proportion abone written: Except the water-mette, to remaine according to the uſe of the Countrie. And that there be double ſtanderts of the Firlot, maid of Braſſe, be the Burgh of *Linlithcow*, and of the foreſaids uthers mettes and weightes, be the utheris Burrowes, to quhom they have bene committed of auld: And ane of everie ane of them, to remaine in the Regiſter, and the uther, with the ſaidis Burrowes: And the juſt meaſure and quantitie of the ſame, to be direct furth be the ſaids Burrowes, to the haill Lieges of this Realme, to be uſed univerſallie, in maner and forme before rehearſed.

AND That the foreſaidis wechtes, mettes, and meaſures, with the quhilkis, all and quhat-ſum-ever perſones, ſall be halden to buy, ſell, mett, meaſure, wey and receive, have courſe allanerlie, within this Realme, after the twentie ſex day of *Maij*, nixt-to-cum: and na utheris wechtes, mettes, nor meaſures, under the paines conteined in the Actes of Parliament, maid here anent, in his umquhile deareſt Mothers dayes. And that all Firlottes to be uſed in mercattes, baith to Burgh and Land, be burnt and ſealed, with the burning iron of the head Burgh of the Schire, quhairin the ſaids mercattes ar halden. And that the Proveſts and Baillies of Burrowes and Cities, baith of Regalitie and Royaltie: And als the Baillies of Burrowes in Barronie, and uthers quhat-ſum-ever places, quhair mercattes of victuall ar halden, ſall be bound that all

mea-

meaſures to be uſed, ſall be of ane forme and quantitie, according to this preſent Act. And gif ony different meaſures be found in onie of the places abone written; the ſaids Proveſtes and Baillies of Royalties, Regalities, and Barronnies, to be accuſable thereof, conforme to the ſaidis Actes and Lawes, maid be his Hieneſt deareſt Mother of before. PROVIDING Alwayes, gif onie perſones be founded or inſeſt, or addebted be tack or contract of auld, or new termes of uther meaſures, then ar abone written; Their foundation, inſeſtment, tack, or contract, quhidder it be mair or leſſe, ſall be proportioned to this meaſure that now is: Swa that the ſame quantitie, ſall remaine with the giver and receiver, but prejudice of onie of them. And ordainis the Clerk of Regiſter, to inſert this preſent Act, quhilk is of the dait, at *Haly-rude-houſe*, the firſt day of *November*, the zeir of God, 1587. zeires, in the buiks of Parliament *ad futuram rei memoriam*; And that letters be direct for publication of the premiſſes, be open Proclamation, at the mercat-croce, of the head Burrowes of this Realme, and utheris places neidefull; That nane pretend ignorance of the ſame. Commanding and chargeing, all and ſindrie, the ſaidis Proveſtes and Baillies of Barronies and Cities, baith of Regalitie and Royaltie: And als the Baillies of Burrowes in Barronie, and utheris quhat-ſum-ever places, quhair mercattes of victuall ar halden, to put in execution this preſent Act, and everie parte thereof, ſa far as concernes them: Swa that the ſame may take full effect, after the ſaid xxvj. day of *Maij*, nixt to cum: After the forme and tenour of the ſaidis Actes of Parliament, and under the paines abone written, conteined therein: with certification to them, and they failzie, they ſall be called, accuſed, and the paines of the ſaidis Actes ſall be execute upon them, in all rigour, in exemple of utheris.

FINIS.

THE ROLL

Of the

Names of the LANDIS-LORDS and BAILLIES of LANDES dwelling on the Bordours and in the Hielandes, quhair Broken men hes dwelt, and preſentlie dwellis.
To the quhilk Roll, the 94. Acte of this Parliament is relative.

Middle March.

The Earle *Both-well.*
The Laird of *Farnie-herſt.*
The Earle of *Angus.*
The Laird of *Buck-cleuch.*
The Schireffe of *Teviot-daill.*
The Laird of *Bed-roule.*
The Laird of *Wauchop.*
The Lord *Hereis.*
The Laird of *How-paiſlay.*
George Turne-bull of *Halrovle,*
The Laird of *Little-dene.*
The Laird of *Drum-langrig.*
The Laird of *Chiſholme.*

Weſt March.

The Lord *Maxwell.*
The Laird of *Drum-langrig.*
The Laird of *Johneſtoun.*
The Laird of *Aple-girth.*
The Laird of *Holmends.*
The Laird of *Gratnay.*
The Lord *Hereis.*
The Laird of *Dun-widdie,*
The Laird of *Lochin-war.*

Laudis-lords and Baillies. Hielandes and Iles.

The Duke of *Lennox.*
The Laird of *Buchannan.*
The Laird of *Mak-farlane* of the *Arroquhair.*
The Laird of *Luſſe.*
The Laird *Mak-caula of Ardincaple.*
The Laird of *Merchinſton.*
The Laird of *Glennegyis.*
The Earle of *Glen-cairne.*
The Laird of *Drumquhaſſill.*
The Laird of *Kilcreuch.*
The Tutour of *Menteith.*
The Laird of *Knokhill.*
Henry Schaw of *Cambuſmoir.*
The Laird of *Kippenroſſe.*
The Laird of *Burley.*
The Laird of *Keir.*
The Maiſter of *Levingſtoun.*
The Lord of *Doun.*
The Lord *Drummound.*
The Laird of *Tulliebardin.*
The Laird of *Glen-urquhy.*
The Laird of *Laweris.*
The Laird of *Weyme.*

The Abbot of *Inche-chaffray.*
Coline Campbell of *Ardbeith.*
The Laird of *Glen-lyon.*
The Erle of *Athole.*
The Laird of *Grantullie.*
The Laird *Strowane*, *Robert-ſonne.*
The Laird *Strowane*, *Murray.*
The Laird of *Weſter-wemes.*
The Laird of *Abbots-hall.*
The Laird of *Teling.*
The Laird of *Inch-Martine.*
The Laird of *Pury-Fotthringhame.*
The Laird of *Moncreif.*
The Laird of *Balleachen.*
The Barron of *Fandowie.*
The Erle of *Erroll.*
The Erle of *Gowrie.*
The Laird of *Cultiebragane.*
The Lord *Ogilvie.*
The Laird of *Clouay.*
The Laird of *Fintrie.*
The Laird of *Edzell.*
The Erle of *Marre.*
The Maiſter of *Elphinſtoun.*
The Erle of *Huntlie.*
The Maiſter of *Forbes.*
The Laird of *Grant.*
Makintoſche.
The Lord and Tutour of *Lovate.*
Chiſholme of *Cummer.*
The Laird of *Glengarrey.*
Mackeinzie.
The Laird of *Fowlis.*
The Laird of *Balnagoun.*
The Tutor of *Cromartie.*
The Erle of *Suther-land.*
The Laird of *Duffus.*
James Innes of *Touchis.*
The Erle of *Caithnes.*
The Erle *Marſchell.*
The Lord *Oliphant.*

The Laird of *Bowquholly.*
The Laird of *Dunnybeith.*
Mackye of *Far.*
Torquhill Mak-lewid of *Togoyth.*
The Laird of *Garloch.*
Makgilliechallum of *Raarſay.*
Mak-lewid of the *Harrich.*
Mackinnoun of *Strathodell.*
Mak-lewid of the *Lewiſs.*
Makneill of *Bara.*
Mackeane of *Ardnamurchen.*
Alane Mackeane of Iland *Terim.*
The Laird of *Knoydert.*
Macklene of *Dowart.*
The Laird of *Ardgower.*
John Stewart of the *Appin.*
Mackoull of *Lorne.*
Mackoull of *Roray.*
The Laird of *Lochinnell.*
The Laird of *Caddell.*
The Laird of *Skelmurelie* for *Rauchry.*
Mackondachy of *Innerraw.*
Angus Mackoneil of *Dunnyweg*, and the *Glennes.*
The Laird of *Lowip.*
The Schireffe of *Bute.*
The Laird of *Camys.*
The Erle of *Argile.*
The Laird of *Auchinbrek.*
The Laird of *Ardkinglas.*
Maknauchtane.
Mak-lauchlane.
The Laird of *Lawmount.*
The Laird of *Parbreck.*
The Laird of *Duntrune.*
Conſtable of *Dundie*, L. of *Glaſtry.*
The Laird of *Elenegreg.*
The Laird of *Otter.*
The Laird of *Coll.*
Macklene of *Lochunie.*
Makfee of *Collonſay.*
The Lord *Hammiltoun.*

THE

THE ROLL

Of the

CLANNES that hes CAPTAINES and CHIEFTAINES, quhom on they depende, oftimes againſt the willes of their Landis-Lordes, alſweill on the *Bordoures*, as *Hie-landes*; and of ſum ſpecial perſones of Braunches of the ſaidis Clannes.

Middle Marche.

Ellottes.
Arme-ſtranges.
Nickſonnes.
Croſers.

Weſt Marche.

Scottes of *Euſdaill.*
Beatiſonnes.
Littles.
Thomſonnes.
Glendunninges.
Irvinges.
Belles.
Carrutheres.
Grahames.
Johnſtones.
Jardanes.
Moffettes.
Latimers.

Hie-landes and Iles.

Buchannannes.
Mak-farlanes of the *Arroquhair.*
Mak-knabbes.
Grahames of *Menteith.*
Stewartes of *Balquhidder.*
Clanne-Gregore.
Clan-Lauren.
Campbelles of *Lochinel.*
Campbelles of *Innerraw.*
Clan-dowall of *Lorne.*
Stewartes of *Lorne*, or of *Appin.*
Clan-Mackeane Awricht.
Stewartes of *Athoill* and partes adjacent.
Clanne-Donoquhy in *Athoill*, and partes adjacent.
Meinzies in *Athoill* and *Apnadull.*
Clan-mak-Thomas in *Glenſche.*
Ferguſſonnes.
Spaldinges.
Makintoſches in *Athoill.*
Clan-Chamron.
Clan-Rannald in *Loch-Aber.*
Clan-Rannald of *Knoydert*, *Moydert*, & *Glengarrey.*
Clan-Lewid of the *Lewis.*
Clan-Lewid of *Harrich.*
Clan-Neill.
Clan-Kinnon.
Clan-Jeane.
Clan-Chattane.
Grantes.
Fraſeres.
Clan-Keinzie.
Clan-Avercis.
Munroes.
Murrayes in *Southerland.*

ANE TABLE

Of the

PARTICVLAR ACTES and utheris, maid be KING JAMES the Sext, in this elleventh Parliament, the twentie nine of Julij, the zeir of GOD, ane thousand, five hundreth, foure-scoir seven zeires, nocht imprented.

1 COmmiſſion anent the Cuinzie.
2 Commiſſion for ane Taxation anent the Kingis mariage.
3 Commiſſion for eſtabliſhing of ane univerſall mette, meaſure, and wecht.
4 Commiſſion for ſatisfaction of the Clergie for their life-rentes.
5 Commiſſion anent the Prioritie of places, and voyting in Parliament.
6 Anent our Soveraine Lordis privie Councell.
7 Ratification of the Priviledge of the Seſſion.
8 Act in favour of the Lordes of Seſſion, as ſall become aged and un-able.
9 Anent the vacance of the Seſſion.
10 Ratification of the Actes anent Fore-ſtalleres and Regratoures.
11 Acte in favoures of them, quha hes maid payment, bona fide, to Factoures.
12 Acte anent fewes aud tackes of Kelſo, ſubſcribed bee Sir John Maitland.
13 Certaine maters remitted to the Checker.
14 Anent the wed-ſetting of the Kingis propertie.
15 Anent granting of reſpettes and remiſſiones.
16 Anent univerſall concord amangſt the Kingis lieges.
17 Ratification of the pacification, reſtitution and abolition, granted to our Soveraine Lordes Lieges, at diverſe Parliamentes of before.
18 Acte in favoures of the Noble men, being with the Kingis Majeſtie at Striviling.
19 Ratification to the Erle of Angus, of the Erledome of Mortoun.
20 Submiſſion of the controverſie, betuixt the Erle of Angus, and the Lorde Fleming.
21 Act annulling of the richtes and titles of Dumfermeline, maid be the Maiſter of Gray.
22 Ratification to the Erle of Crawfurd, of the Baſtardrie of Maiſter George Creichtoun, and his bairnes.
23 Act betuixt the Erle of Crawfurd, and the Burgh of Dundie.
24 Act in favour of the Maiſter of Grahame.
25 Act in favour of the Erle of Marr.
26 Submiſſion betuixt the Countеſſe of Murray, and the Lairde of Pettarrow.
27 Ratification of the Erledome of Gowrie.
28 Act in favour of the maiſter of Eglingtoun.
29 Act in favour of Claud, Commendatar of Paiſlay for Cambuſlang.
30 Act in favour of Claud Hammiltoun, ſonne to the Commendatar of Paiſlay.
31 Act in favour of Walter, Commendatar of Blantire.
32 Act in favour of maiſter Edward Bruyſe, touching the Abbacie of Kinloſſe.
33 Ratification to Alexander, Commendatar of Pluſcardin.
34 In favoures of the Commendatar of Scone.
35 In favour of maiſter James Haliburtoun.
36 Of the College of Glaſgow.
37 Of the new College of Saint-Andrewes.
38 Anent the parſonage of Dunſe.
39 Act in favour of maiſter David Lindeſay, Miniſter at Leith.
40 Of Thomas Hutſoun, Maiſter of his Hieneſſe Chappell Royall.
41 Anent the benefices preſented be the Erle of Orknay.
42 Ratification of the infeftments of Sir John Maitland of Thirleſtane Knight.
43 To maiſter Peter Young, of Seytoun.
44 To Sir Patrick Vaus, of Barnebarrow Knight.
45 To maiſter George Young, of the Arche-deanrie of Saint-Andrewes.
46 Ane uther to the ſaid maiſter George, and John Andro.
47 Act in favour of the Ladie Burlie, and her bairnes, thriſe.
48 In favour of John Acheſon.
49 Anent the aires of Mony-ward.

50 *In favoures of* James *and* John Meinzies.
51 *Remiſſion of the* Laird *of* Duryis *ſupplication to the Kingis Majeſtie.*
52 *Act in favour of the* Laird *of* Roſſyith.
53 *In favour of* James Stewart, *ſonne to the Erle of* Buchane.
54 *In favour of* David Ferguſſon *of* Glenſchinrot.
55 *Ratification to the Burgh of* Edinburgh, *of the infeftment maid to them, Anent the ſuſtentation of the Miniſtrie, Puir, and College.*
56 *Ratification of the Hoſpitall of the Burgh of* Perth.
57 *Ratification to the* Burgh *of* Mont-roſe.
58 *Commiſſion in favour of the Citie of* Glaſgow.
59 *In favour of the Gold-ſmithes.*
60 *Ratification to the* Burgh *of* Brunt-Iland.
61 *An Act in favour of the Burgh of* Carraill.
62 *Of the Toun of* Auſtruther.
63 *Of the Crafteſ-men* Fleminges,
64 *Confirmation to* Mark, *Lord* New-bottle.
65 *Act in favour of the zoung* Laird *of* Kinfawnes.
66 *Commiſſion to treat for the defenſe of the Realme, in the time of weire.*
67 *Commiſſion for ſetting of the ordour of the taxation on all Eſtaites.*
68 *Commiſſion for ſetting of the quantitie of the bulzeoun, to be broucht to the cuinzie-houſe, of all cuſtomed guddes.*
69 *Act in favour of the toun of* Dalkeith.
70 *Act in favour of the toun of* Polvart.
71 *Commiſſion anent the Brig of* Don.
72 *The Brig of* Crawmond.
73 *The Brig of* Air.
74 *The Brig of* Irving.
75 *Commiſſion for the articles, for better execution of Juſtice.*
76 *Commiſſion to conſidder the Actes of Parliament.*
77 *Act in favour of Maiſter* Henrie Keir.
78 *Act in favour of the Theſaurer, anent expeding of Ratifications.*

FINIS.

THE TWELFTH PARLIAMENT

Halden at Edinburgh, *the Fifth day of Junij, the zeir of God,* 1592. *zeires. Be the richt excellent, richt heigh, and michtie Prince,* JAMES *the Sext, be the Grace of God, King of* SCOTTES: *with adviſe of his three Eſtaites.*

114. *Ratification of the libertie of the trew Kirk: of Generall and Synodall aſſemblies: of Presbyteries, of diſcipline. All Lawes of Idolatrie ar abrogate: Of preſentation to benefices.*

OUR Soveraine Lord, and Eſtaites of this preſent Parliament; Following the lovabil and gude exemple of their Predeceſſoures: Hes ratified and appreeved, and be the tenour of this preſent act, ratifies and apprevis all liberties, priviledges, immunities and freedomes quhat-ſum-ever, given and granted be his Hieneſſe, his Regentes in his name, or onie of his Predeceſſours, to the trew and halie Kirk, preſentlie eſtabliſhed within this Realme, and declared in the firſt Acte of his Hieneſſe Parliament, the twentie day of *October*, the zeir of GOD, ane thouſand, five hundreth, three-ſcoir ninetene zeires: And all and quhat-ſum-ever Actes of Parliament, and ſtatutes maid of before, be his Hieneſſe, and his Regentes; Anent the libertie and freedome of the ſaid Kirk: And ſpeciallie, the firſt Acte of the Parliament, halden at *Edinburgh*, the twentie foure daie of *October*, the zeir of GOD, ane thouſand, five hundreth, four-ſcore ane zeires, With the haill particular Actes there mentioned: Quhilk ſall be als ſufficient, as gif the amin were here expreſſed: And all uther Acts of Parliament maid ſenſine, in favour of the trew Kirk: And ſſik-like, ratifies and appreivis, the generall Aſſemblies appoynted be the ſaid Kirk: And declaris, that it ſall be lauchfull to the Kirk and Miniſters, everie zeir at the leaſt and oftner *prove nata*, as occaſion and neceſſitie ſall require, to hald and keepe generall Aſſemblies: Providing that the Kings Majeſtie, or his Commiſſioners, with them to be appoynted, be his Hieneſſe, be preſent at ilk generall Aſſemblie, before the diſſolving thereof, nominate and appoynt time and place, quhen and quhair the nixt generall Aſſembly ſall be halden: and in-caſe naither his Majeſtie, nor his ſaid Commiſſioners beis preſent for the time in that Toun, quhair the ſaid generall Aſſemblie beis halden: Then and in that caſe, it ſall be leſum to the ſaid generall aſſemblie, be themſelves, to nominate and appoynt time and place, quhair the nixt generall aſſemblie of the Kirk ſall be keiped and halden, as they have bene in uſe to do thir times by-paſt. And als ratifies and apprevis, the Synodall and Provinciall Aſſemblies, to be halden be the ſaid Kirk and Miniſters, twiſe ilk zeir, as they have bene, and ar preſentlie in uſe to do, within everie Province of this Realme: And ratifies and appreevis the Presbyteries, and particular Seſſiones, appoynted be the ſaid Kirk, with the haill juriſdiction and diſcipline of the ſame Kirk, aggried upon be his Majeſtie in conference had be his Hieneſſe, with certaine of the Miniſters, conveened to that effect: Of the quhilks artickles, the tenour followes. MATERS to be intreated in Provincial Aſſemblies: Thir aſſemblies ar conſtitute for weichtie maters, neceſſar to be intreated be mutual conſent, and aſſiſtance of brethren, within the Province, as neede requiris. This aſſemblie hes power to handle, ordour, and redreſſe, all thinges omitted or done amiſſe in the particular aſſemblies. It hes power to depoſe the office-beareres of that Province, for gude and juſt cauſe, deſerving deprivation: And generallie, thir aſſemblies hes the haill power of the particular Elderſchippes, quhairof they ar collected. MATERS to be intreated, in the Presbyteries. The power of the Presbyteries is to give diligent laboures in the boundes committed to their charge; That the Kirkes be keeped in gude ordour, To inquire diligentlie of naughtie and ungodlie perſons: And to travel to bring them in the way againe bee admonition, or threatning of Gods judgements, or be correction. It appertaines to the Elderſchippe, to take heede, that the word of God be purelie preached within their boundes: The Sacramentes richtlie miniſtred, the Diſcipline interteined: And Eccleſiaſtical guddes uncorruptlie diſtributed. It belangis to this kinde of Aſſemblies, to cauſe the ordinances maid be the Aſſemblies Provincialles, Nationalles, and generalles, to be keeped and put in execution, to make conſtitutions, quhilk concernis τὸ πρεπον in the Kirk, for decent ordour, in the particular Kirk, quhair they governe: Providing that they alter na rules maid be the Provincial, or General Aſſemblies: And that they make the Provincial Aſſemblies foreſaid, privie of the rules that they ſall make: And to aboliſh conſtitutiones, tending to the hurt of the ſame. It hes power to excommunicate the obſtinate, formal Proces being led, and dew interval of times obſerved. ANENT particular Kirks, gif they be lauchfullie ruled, be ſufficient Miniſterie and Seſſion. They have power and juriſdiction in their owen Congregation, in maters Eccleſiaſtical. And decernis and declaris the ſaides Aſſemblies, Presbyteries, and Seſſiounes, Juriſdiction and Diſcipline thereof foreſaid, to be in all times cumming maiſt juſt, gude, and godlie in the ſelfe, Notwithſtanding

ſtanding of quhat-ſum-ever Statutes, Actes, Canone, Civill, or Municipal Lawes, made in the contrare. To the quhilkis and everie ane of them, thir preſentes ſall make expreſſe derogation: And becauſe there ar divers Actes of Parliament, maid in favour of the Papiſticall Kirke, tending to the prejudice of the libertie of the trew Kirk of God, preſentlie profeſſed within this Realme, juriſdiction and diſcipline thereof; Quhilk ſtands zit in the buikes of the Actes of Parliament, nocht abrogated nor annulled: Therefore his Hieneſſe, and Eſtaites foreſaids, hes abrogated, caſſed, and annulled, and bee the tenour hereof, abrogatis, caſſis and annullis all Actes of Parliament maid be onie of his Hieneſſe Predeceſſoures, for maintenance of ſuperſtition and idolatrie, with all and quhat-ſumever Acts, Lawes and ſtatutes, maid at ony time, before the daye and dait hereof, againſt the libertie of the trew Kirk, juriſdiction and diſcipline theirof, as the ſamin is uſed and exerciſed within this Realme.

And in ſpeciall, that part of the Act of Parliament, halden at *Striviling*, the fourth day of *November*, The zeir of God, ane thouſand, four hundreth, fourtie three zeires, commaunding obedience to be given to *Eugenius* the *Paipe* for the time: The Acte maid be King *James* the thrid, In his Parliament halden at *Edinburgh*, the twentie four day of *Februar*: The zeir of God, ane thouſand, four hundreth, four ſcoir zeires. And all utheris Actes, quhairby the *Paipis* authoritie is eſtabliſhed. The Acte of King *James* the thrid, in his Parliament halden at *Edinburgh*, the twentie daye of *November*, the zeir of God, ane thouſand, four hundreth, threeſcoir nine zeires, anent the Satterday, and uther vigiles to be halie-daies, from Even-ſang to Even-ſang.

ITEM, That pairt of the Act, maid be the *Queene Regent*, in the Parliament halden at *Edinburgh*, the firſt day of *Februar*: The zeir of GOD, ane thouſand, five hundreth, fiftie ane zeires, giving ſpeciall licence, for halding of *Paſche* and *Zule*. ITEM The Kingis Majeſtie and Eſtaites, foreſaidis, declaris, that the 129. Acte of the Parliament, halden at *Edinburgh*, the xxij. day of *Maij*, the zeir of God, ane thouſand, five hundreth, fourſcoir, four zeires, ſall na wiſe be prejudiciall, nor derogate onie thing to the priviledge that God hes given to the ſpirituall office-bearers in the Kirk, concerning heads of Religion, maters of Hereſie, Excommunication, collation or deprivation of Miniſters, or ony ſik-like eſſentiall cenſours, ſpeciallie grounded, and havand warrand of the word of God. ITEM Our Soveraine Lord, and Eſtaites of Parliament foreſaidis, abrogatis, caſſis, and annullis, the Act of the ſame Parliament, halden at *Edinburgh*, the ſaid zeir, ane thouſand, five hundreth, fourſcoir four zeires, granting commiſſion to Biſchoppes, and utheris Judges, conſtitute in Eccleſiaſticall cauſes, to receive his Hieneſſe preſentationes to Benefices, to give collation thereupon: and to put ordour in all cauſes Eccleſiaſticall: quhilk his Majeſtie and Eſtaites foreſaidis, declaris to be expired in the ſelfe, and to be null in time cumming, and of nane availl, force nor effect. And therefore ordainis all preſentations to Benefices, to be direct to the particular Presbyteries, in all time cumming: with full power to give collation thereupon; And to put ordour to all maters and cauſes Eccleſiaſticall, within their boundes, according to the diſcipline of the Kirk: Providing the foreſaid Preſbyteries be bound and aſtricted, to receive and admitt quhat-ſumever qualified Miniſter, preſented be his Majeſtie, or laick patrones.

115. *Un-qualified perſones being deprived, the benefice vakis, and the Patron not preſentand, the richt of preſentation perteinis to the Presbyterie, but prejudice of the tackes, ſet be the perſon deprived.*

OUR SOVERAINE LORD Conſidering the great abuſes quhilkis ar laitlie croppen in the Kirk, throw the misbehaveour of ſik perſones, as ar provided to Eccleſiaſticall functions: Sik as Parſonages and Vicarages, within onie Parochin, and thereafter neglecting their charge, ather leave their cure, or els committis ſik crimes, faultes, or enormities, that they ar found worthie of the ſentence of deprivation, ather before their awin Presbyterie, or elſe before the Synodall or Generall aſſemblies. Quhilk ſentence is the leſſe regarded be them, Becauſe albeit they be deprived of their function and Cure within the Kirk: zit they thinke they may bruik lawfullie the profites and rentes of their ſaidis benefices, induring their life-rentes; Notwithſtanding the ſaid ſentence of deprivation: Therefore, OUR SOVERAINE LORD, With adviſe of the Eſtaites of this preſent Parliament, declaris, that all and quhat-ſumever ſentences of deprivation, ather pronunced alreadie, or that happenis to be pronunced hereafter, be onie Presbyterie, Synodall, or Generall aſſemblies, againſt onie Parſon or Vicar, within their Juriſdiction, provided ſen his Hieneſſe Coronation: All Parſones, provided to Parſonages and Vicarages, quha hes voit in Parliament, ſecreit Conncell, and Seſſion, or provided thereto of auld, before the Kingis Coronation, (And Maiſter *George Young*, Archdeane of *Saint-Andrewes*, being ſpeciallie excepted) is, and ſall be repute in all Judgementes, ane juſt cauſe to ſeclude the parſon before provided, and then deprived from all profites, commodities, rentes and and dewties of the ſaid Parſonage and Vicarage, or benefice of Cure: And that ather bee way of action, exception or reply. And that the ſaid ſentence of deprivation, ſall bee ane ſufficient cauſe to make the ſaid Benefice, to vaike thereby. And the ſaid ſentence being extracted, preſented to the Patrone, the ſaid Patrone ſall be bound to preſent ane qualified perſon of new to the Kirk, within the ſpace of ſex Moneths therafter: And gif he failzie to do the ſame, the ſaid Patrone ſall tine the richt of preſentation, for that time allanerlie: And the richt of preſentation to be devolved in the handes of the Presbyterie, within the quhilk the benefice lies: to the effect that they may diſpone the ſame, and give collation thereof, to ſik an qualified

qualified perſon, as they ſall think expedient. Providing alwayes, in-caſe the Presbytery refuſis to admitt onie qualified Miniſter, preſented to them be the Patrone: It ſall be lauchfull to the Patrone, to reteine the haill fruites of the ſaid Benefice in his awin handes. And furder, his Hieneſſe and Eſtaites foreſaidis, declairis that the deprivation already pronunced, or to be pronunced, be onie Presbyterie, Synodall, or Generall aſſemblies, againſt onie of the Parſones or Vicars foreſaidis, ſall na-wayes hurt, or be prejudiciall to ony tackes, lawfullie ſett be that Perſon deprived, before his deprivation, to quhat-ſum-ever perſones.

116. *Anent Manſes and glebes in Cathedrall and Abbaie Kirkes.*

OUR Soveraine Lord, With adviſe of the Eſtaites of this preſent Parliament, ſtatutis and ordainis: That the Acts of Parliament maid of before, anent Manſes and Glebes, to be given to Miniſters of Gods halie Evangell, within this Realme, ſall be underſtand and extended to all Abbayes, and Cathedrall Kirkes, within this Realme, quhair na uther Manſe nor Glebe, perteining to Parſon or Vicar, was of before: Swa that the Miniſters preſentlie admitted, or quhilkis hereafter ſall happen to be admitted, to the Office or Cure of the Miniſterie, within the ſaid Kirk, ſall have ane ſufficient Manſe and dwelling place, within the precinct of the Abbaie quhair he ſervis: Togidder with foure acres of land, of the beſt and maiſt commodious, lyand *contigue*, and maiſt eweſt to the ſaid Manſe, quhilk perteinis, or in onie time of before perteined, to the ſaid Abbaie, or onie member thereof: Quhidder the ſamin land lye within the ſaid precinct, or without the ſame, gif there be ſa meikle, as may extend to the quantitie of foure acres, to be deſigned, inhabit, occupied, laboured, manured; conforme to the tenour of the Acte of Parliament, maid of before, anent Manſes and Glebes, to be given to the Miniſters of Gods word, within this Realme: with ſpeciall proviſion, that it ſall be in the option of the Abbotes, Priores, and utheris Prelates and perſones quhat-ſumever, fewares of the ſaidis Cathedrall, and Abbaie places: ather to grant ane Manſe to the Miniſter, within the precinct of their place: Or elſe, ane ſufficient Manſe, lyand als eweſt and commodious to the Paroche Kirk.

117. *Ane woman divorced for her adulterie, may not annalie or diſpone her lands or poſſeſſiones, in prejudice of the bairnes, gotten the time of her mariage, or of her uther aires quhat-ſum-ever.*

IT Is ſtatute and ordained be our Soveraine Lord, and Eſtaites of this preſent Parliament, that quhen-ſo-ever ony woman is, or hes bene divorced fra her lauchfull ſpouſe, for her awin fault and offenſe of adulterie: And compleitis unlawfull and pretended mariage with the ſame perſon, with quhom ſhe committed the ſaid offence, or plainly and openlie dwellis and reſortis in companie with him at bed and buird; gif ſhe have ony lands, heritage, tackes, rowmes or poſſeſſions: It ſall not be lauchfull for her to diſpone, annallie, or put awaie the ſamin, in all, or in part, ather to her ſaid pretended husband and adulterer: or to the ſucceſſion proceeding of that pretended mariage, or carnal deale: nor to quhat-ſum-ever uther perſon or perſons, in prejudice and hurt of the aires and ſucceſſion, procreat upon the ſaid firſt lauchfull mariage: or failzieng of them, of her uther lauchfull aires quhat-ſum-ever, nor to do onie deed, directly nor indirectly, that may hurt and prejudge them therein: and declairis and ordainis, that the aires and ſucceſſours of her, procreat in the ſaid firſt lauchfull mariage; and failzieng of them, her uther lauchfull aires quhat-ſum-ever, ar and ſall be able to ſucceede to her after her deceaſe, in the ſaidis landes, heritage, tackes, and poſſeſſiones: Notwithſtanding anie alienation or diſpoſition maid in onie time by-gane, or to be maid hereafter in the contrair, quhilks pretended alienations and diſpoſitions, maid or to be maid, in maner foreſaid; our Soveraine Lord, and Eſtaites of Parliament, decernis and declaris to have bene, and to be null from the beginning, and ordainis the ſaid nullitie to be received and admitted, by way of exception or reply; But ony proceſſe or ſummounds of reduction, alſweill before the Lordes of Councell and Seſſion, as before the inferiour Judges, in ſervice of brieves, and all uther actiones and cauſes, quhair-ever the ſamin may occur: And ordainis this preſent conſtitution, to have full effect, anent all diſpoſitiones and alienationes foreſaidis: gif onie be maid, ſen the Parliament halden be our Soveraine Lord, after his perfite age of xxj. zeires compleit, in the Moneth of *Julij*, the zeir of God, 1587. zeires.

118. *All committers of ſlauchter, within Kirkes or Kirk-zairdes, and receipters of them, after declaratour, tines their life-rentes.*

IT Is ſtatute, ordained and declared, that quhat-ſum-ever perſon or perſones committis ſlauchter within onie Kirk or Kirk-zaird, the time of the Prayer, preaching, or miniſtration of the Sacramentes; That perſon or perſones, committers of the ſaid ſlauchter, being ather denunced rebelles, or declared fugitive for the ſame; The Kingis Majeſtie ſall have full power, not onlie to diſpone upon them, their ſimple eſcheit of movables: but alſwa upon the life-rent of all and quhat-ſum-ever their landes, livinges, tackes, teindes, rowmes or poſſeſſions &c. And declaris, that quhat-ſum-ever perſon or perſons, ſall happen to receipt ony of the ſaids perſons, quha beis denunced rebelles or fugitive, for the ſaids ſlauchters, committed within the

ſaides

ſaidis Kirks or Kirk-zairds, declaratour being firſt paſt upon their ſaid receipt. The receipters of them ſall incur the ſame paine and tinſall of their lyfe-rentes.

119. *Erection of Kirk-landes and teindes in temporall Lord-ſhippes, is forbidden.*

THE Kingis Majeſtie and Eſtaites of this preſent Parliament, for eſchewing of the great inconvenientes likelie to ariſe, throw erection of temporalities and teindes of Kirk-land, in temporall Lord-ſhippes, and livinges to the prejudice of the Kirk, and hurt of his Majeſties Eſtaite, and priviledge of his Crown: Ordainis and declaris that na erectiones of the foreſaides Lands and teindes, maid ſen the Act of annexation, ſall be ratified or given in this Parliament, nor in na time hereafter: And in-caſe ony erection happenis to be obteined in onie time cumming, The Kings Majeſtie and Eſtaites foreſaids, declairis the ſame to be null, and of nane effect in the ſelfe, exceptand alwayes, like as our ſaid Soveraine Lord, and Eſtaites abone written, expreſly exceptis and reſervis all erectiones, charters, and infeftmentes, granted be his Hienes, of ſik pairties and portiones of the Kirk-landes, alreadie erected in temporall Lord-ſhippes and Barronnies, to ſik perſon, or perſones, as hes alreadie, ſen the ſaid lait Act of annexation, received the honours, ordours and Eſtaites of Lords of Parliament, be the ſolemne forme of belting, and uthers Ceremonies obſerved in ſik cauſes, and hes ſenſine entered and ſitten in Parliament, as temporall Lordes voited in Parliament, and Articles, received and admitted to that effect.

120. *Sayers of* Meſſe, Jeſuites, Seminarie-Prieſtes, *trafficquing* Papiſtes, *and receipteres of ony of them, committis treaſon.*

THE Kingis Majeſtie, and Eſtaites of this preſent Parliament, ratifies and appreivis, all and quhatſumever Actes of Parliament, ſecret Councell and Proclamations, maid of before, againſt *Jeſuites, Seminarie-Prieſtes*, and trafficquing *Papiſtes*, and receipters of onie of them: And decernis and declaris, that in all time cumming, the ſaying of *Meſſe*, receipting of *Jeſuites, Seminarie-Prieſtes*, trafficquing *Papiſtes*, againſt the Kingis Majeſtie, and Religion preſentlie profeſſed within this Realme; Is, and ſall be ane juſt cauſe, to infer the paine and crime of treaſon, baith againſt the *Jeſuites, Meſſe-Prieſtes*, trafficquing Papiſtes, and receipters of them. Providing howſoone the *Ieſuites* and *Seminarie-Prieſtes*, ſatiſfies the Prince and the Kirk, the foreſaid penaltie na-wiſe to ſtrike againſt the ſaidis receipters.

121. *Ratification of the Act maid in* Februar, 1587. *In favoures of the Miniſters, Their ſtipendes and rentes.*

OUR Soveraine Lord, and haill Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the Act maid be his Hienes, with adviſe of the Lordes of ſecreit Councell, Seſſion and checker, upon the xiv. day of *Februar*, the zeir of God 1587. zeires; In favours of the Miniſtery, their ſtipendes and rentes: And decernis and declaris, the ſamin to have the ſtrength, force and effect, of ane Law and Act of Parliament, in all times cumming: And al Judges within this Realme, to proceede, decide, and Miniſter Juſtice in all actiones and cauſes, concerning the ſaidis Miniſters, their aſſignationes, ſtipendes and rents; According to the forme, tenour and contents of the ſaid Act in all poyntes, quhairof the tenour followis. At *Edinburgh*, the xiv. daye of *Februar*, the zeir of God, ane thouſand, five hundreth, fourſcore ſeven zeires: For-ſameikle as in the Moneth of *December*, the zeir of God, 1561. zeires, ſoone after the arriving of our Soveraine Lordis deareſt Mother, out of the partes of *France*, within this Realme: Conſultation being tane be her Majeſtie, with the adviſe of the Lordes of her ſecreit Councell, and utheris of the Nobility then preſent, anent the proviſion of the Miniſters, to reaſonable and competent livings and ſupport of the publick affaires of the Realme: And to that effect, conference being had with the Prelates, & utheris of the Eccleſiaſticall Eſtaite: Quhais offeres being heard and conſidered; It was concluded, decerned and ordained; That gif the feird part of the fruites of the haill benefices Eccleſiaſticall, within this Realme, might be ſufficient to ſuſteine the Miniſters, throw-out the haill partes thereof, and ſupport of the Prince: To enterteine and ſet for-warde the commoun affaires of the Countrie: And failzieng thereof, the thrid part of the ſaidis fruites and mair: quhill it were ſufficient to the effect foreſaid, ſuld be zeirly up-taken in time cumming, to be imployed to the twa uſes abone ſpecified allanerlie. And thereafter, in the Parliament halden the firſt zeir of our Soveraine Lordis Reigne; It was ſtatute and ordained, that the haill thriddes of Benefices within this Realme, ſuld then inſtantlie in all times cumming, thereafter, firſt be payed to the Miniſters of the Evangell, and their Succeſſours: And they firſt being anſwered of their ſtipendes, perteining to everie ane of them, the reſt and *ſuper-plus*, ſuld be employed to our Soveraine Lordis uſe, quhair-throw the ſamin become, as an inviolable Law. And be vertew thereof, his Hienes, and his umquhile deareſt Mother, was in peaceable poſſeſſion of the ſaidis thriddes of Kirkes and Friers-landes: Swa that thereby the Miniſters of Gods word, was reaſonably provided and ane gude part of the publick affaires, honeſtlie ſuſteined. And albeit the plaine wordes of the ſaidis Acts, manifeſtlie declaris the uſe, effect and mention thereof, to have tended to na uther fine, bot that the Miniſterie ſuld be reaſonablie ſuſteined, and the charge of the publick affaires ſufficientlie entertained: Zit nevertheles, throw inoportune ſuites of ſum perſones, mair reſpecting their awin particular profites, then ather

the ſuſtentation of the Miniſters, or his Hienes honourable Eſtaite, and the commoun weill of the Realme: His Hienes, and his umquhile deareſt Mother, hes bene moved to make diſpoſition of the ſaid *ſuper-plus* in penſion, or to diſcharge and give the ſame free, to certaine poſſeſſoures of benefices: Or to make tackes and aſſedationes of the ſame thrides, commoun Kirkes, Friers-landes, and rentes thereof: Quhair-throw there remainis little or nathing to be diſponed on, ather to be modified, aſſigned and appoynted for livinges and ſtipendes, for ſik qualified perſones, as God may raiſe up hereafter meete to enter in the function of the miniſterie, or to ſupplie the publick affaires of the Eſtaite of his Hieneſſe Realme.

For avoyding of quhilk inconvenientes; albeit diverſe revocations of the ſaidis giftes, tackes and diſpoſitiones, hes bene maid before, and namelie be his Hieneſſe umquhile deareſt Mother, after her perfite age, in the Moneth of *September*, ane thouſand, five hundreth, threeſcore ſex zeires: And thereafter be his Hieneſſe, with adviſe of the Regentes for the time, in the Moneth of *Auguſt*, the zeir of God, ane thouſand, five hundreth, threeſcore threttene zeires: As alſwa in the Parliament, halden at *Edinburgh*, the zeir of God 1581, and 1584. zeires. And laſt of all, in the Parliament, halden after his Hienes perfite age of twentie ane zeires compleit, in the Moneth of *Julij*, laſt by-paſt. By the quhilk revocationes, *reſpective* foreſaidis; It is founden alſo be his Hieneſſe deareſt Mother, after her perfite age: As likewiſe be his Hieneſſe ſelfe, and three Eſtaites conveened in Parliament: That the ſaidis thrides of benefices, and *ſuper-plus* thereof, commoun Kirkes, Friers-landes, and rentes being aſſumed and taken in his Hieneſſe handes, for ſuſtentation of the Miniſterie, and ſupport of the publick affaires, might not be diſponed nor given uther-wayes, but applyed to the ſame uſe and effect, that they were ordained to, at the beginning: And that ſpeciallie, in reſpect that there can be na *ſuper-plus* of the ſaidis thriddes, unto the time that the ſaidis Miniſters had bene ſufficientlie placed and provided of their ſtipendes: Quhilkis being variable from zeir to zeir, the condition alſwa of the ſaidis *ſuper-plus*, behooved to be incertaine, and conſequentlie culd not be diſponed but from zeir to zeir: And that after the ſaidis Miniſters aſſignation, and ſufficient proviſion of his Majeſties houſe, quhilk was ſpeciallie meaned and underſtand, under the name of the ſaid publick affaires: And therefore, all ſik giftes, Penſiones, tackes and diſpoſitiones of the ſaidis thrids, commoun Kirkes, Friers-landes, and rentes thereof, granted be his Hieneſſe deareſt Mother, or be his Majeſties ſelfe; Or utherwayes be his Regentes, alſweill confirmed in Parliament, as un-confirmed, be expreſſe wordes of the ſaidis Revocationes confirmed in Parliament, ar decerned and declared to be of nane availe, force nor effect, but onie declaratour or proceſſe of reduction, as the ſamin in themſelves, at mair length proportis: Zit nevertheleſſe, the ſaid revocation, be the ſamin, as before, hes bene evacuate and fruſtrate, and the ſaidis giftes and diſpoſitiones partelie ratified, in his Hieneſſe laſt Parliament, partelie renewed after his Hieneſſe perfite age, to the ſame perſones, and utheris of the like qualitie, quhairthrow the firſt intention of the ſaid Actes, is likelie to be fruſtrate in all times cumming: Like as alſo, firſt be Act of ſecreit Councell, and nixt be Acte of Parliament; It is ſtatute and ordained, that all Benefices of cure, under Prelacies, ſall be preſented be his Hieneſſe, and the laick patrones, in favour of the able and qualified Miniſters, apt and able to enter in that function, and to diſcharge the dewtie thereof: Quhilk in like-wiſe, hes tane na effect: But contrair the expreſſe ſtatute and meaning thereof, the ſaidis benefices hes bene diſponed to bairnes, and utheris perſones, altogether un-able for the ſaid office and function: Sum-times be diſpoſition, and utherwiſe be fraudfull reſignation, of the uſu-fructuares, with proviſion nevertheleſſe, that the ſamin ſall remaine with the uſu-fructuares, during their life-times, expres againſt all gude Lawes received in ony aige of before: Swa that the onelie twa meanes of the advancement of the glorie of God, quhilk conſiſtis in the ſaidis thrides, commoun Kirkes, and diſpoſitiones of the ſamin ſmall benefices; Is be the malice of inconſiderat perſones, alluterlie ſubverted, quhairby great confuſions hes entred, and diverſe inconvenientes like to follow, gif timous and ſubſtantious remeid be not provided: FOR remeid quhairof, and reformation of the ſaidis abuſes of the thriddes, commoun Kirkes, Frieres-landes, and rentes; and reducing of the ſamin to their firſt inſtitution: OUR SOVERAINE LORDE, with adviſe of the Lordes of his Hieneſſe ſecreit Councell, Seſſion and Checker, all in ane voice, findis and declaris, that the thrides of Benefices, commoun Kirkes, Friers-landes, and rentes, being onlie deſtinat to the twa uſes abone ſpecified, according to the ſaidis Actes of Councell, Parliament and revocation foreſaidis following thereupon, might be diſponed, given or employed na utherwayes, bot to the ſaid uſe and effect, for the quhilk they were appoynted at the beginning. And ſik-like, that na penſions, tack, or life-rent, of the ſaid *ſuper-plus*, or onie commoun Kirkes, micht or may be diſponed in time cumming, for onie langer ſpace, nor the ſpace of ane zeir: And that after the making of the zeirlie aſſignationes of the Miniſters ſtipendes, and ſufficient proviſion, for ſuſteining of his Majeſties houſe zeirlie. And therefore decernis and declaris, all and quhat-ſumever penſions, life-rentes, and tacks purchaſed, or to be purchaſed (Quhairby the ſaidis thrids, *ſuper-plus* thereof: or the firſt and beſt rentalles of the commoun Kirkes, Frieres-landes, and rentes abone written, hes bene diminiſhed or altered, ſen the laſt aſſumption of the ſaidis thrides) granted ather be our SOVERAINE LORDIS deareſt Mother, or be his Hieneſſe ſelfe, to quhat-ſumever perſon or perſones, upon wrang report and importune ſuites, without onie cognition, preceeding of the ſuſtentation of the Miniſters, within this Realme, and ſufficient proviſion for ſuſteining of his Majeſties houſe, to have bene from the beginning, and to be in all time cumming, of nane availe, force nor effect: Notwithſtanding quhat-ſumever confirmation, or ratificationes following there-upon: and therefore ordainis the Collectour

generall

generall be himſelfe, his Chalmerlaines, and under-receivers in his name; to aske, crave, receive, intromet with, and up-take, all and haill, the thrids of Benefices, within this Realme, un-aſſigned to the miniſterie, togidder, with the haill commoun Kirks, Friers landes and rentes thereof, quhair the firſt and beſt rentalles ar altered or diminiſhed, ſen the firſt aſſumption of the ſaidis thrides, of this inſtant croppe, and zeir of God 1587. zeires; And ſik-like zeirlie in time cumming, according to the rentalles maid compt of, in the zeir of God, 1584. zeires, And laſt aſſumption thereof. And gif the ſaidis thrides be diminiſhed and hurt in onie wiſe, be the ſaidis laſt rentalles and aſſumption thereof, ſen the firſt aſſumption of the ſaidis thrides, maid compt of, in the zeir of God, ane thouſand, five hundreth, threeſcore ane zeires: Ordainis the ſaid Collectour, to have recourſe to the firſt aſſumption: Forſameikle as the ſamin ar diminiſhed be the laſt aſſumption: And to charge for the ſamin, without reſpect of onie penſion, tack, life-rent, or diſcharge of the ſaidis thriddes, *ſuper-plus*, or onie part thereof, or of the ſaidis commoun Kirkes, Friers landes, or rentes of the ſamin, altered or diminiſhed in the rentalles, ſen the firſt aſſumption of the thriddes, as ſaid is. And ſik-like, ordainis, that the Lordes of Councell and Seſſion, ſall na-wayes grant onie ſuſpenſion or relaxation fra the horne, to onie perſon or perſones, charged or denunced for payment of the ſaidis thriddes, commoun Kirkes, and utheris foreſaidis, altered or diminiſhed fra the firſt and beſt rentalles, as ſaid is, quhill the ſummes and victualles charged for, be firſt payed to the generall Collectour: Notwithſtanding of quhat-ſumever penſion, tack, life-rent or diſcharge, purchaſed, or to be purchaſed of the ſaids thriddes, commoun Kirkis, and Frier-landes, and utheris rentes perteining thereto (quhair the firſt and beſt rentalles ar altered or diminiſhed, as ſaid is) of this inſtant crop, and zeir of God 1587. zeires. And ſik-like zeirly, and termely in time cumming: but that they halde, repute and eſteeme of the ſame, as null in the ſelfe: and the ſaid nullitie to be received, alſweill be way of exception and action, but prejudice nevertheles of quhat-ſumever infeſtmentes heretable, granted be our Soveraine Lord, quhairby the condition of the ſaids thrides, ar altred or diminiſhed. And albeit the tacke maid to the bairns lauchfull & naturall, of *Robert Earle* of *Orknay*, of the thrids of the Abbaie of *Halyrude-houſe*, fallis, and is declared null: Nevertheles, his Hienes, willis and ordainis, *Adam* Biſhop of *Orknay*, now havand the poſſeſſion of the ſamin thrids, be tittle of the ſaids bairnes, ſtill to poſſeſſe & bruik the ſamin thrids, Attour the zeirlie ſumme paied furth of the ſame, to the Miniſters of the Kirkes of *Halyrude-houſe*, thir zeires by-gane: In conſideration that he hes transferred the richt of the warrandice, competent to him, in the perſon of our Soveraine Lord: for quhilk his Hienes commands the ſaid Collector, to charge & make compt & payment this preſent zeir & crop, 1587. zeirs, & in time cumming. Attour, his Hienes, decernis & ordainis all gittes & diſpoſitions of benefices of cure, under prelacies, given or preſented, ſen his Hienes Coronation, to ſik perſons as ar not in the function of the Miniſterie, or able to diſcharge the dewtie thereof, according to the act of Parliament maid thereanent: quhidder the ſaidis benefices vaikis be deceaſe, or dimiſſion, to bee likewiſe null fra the beginning; And to be in all time cumming, of nane availe, force nor effect: And the ſaid nullitie, to be received bee quhat-ſum-ever Judge, alſweill be way of exception, as action, notwithſtanding, ony diſpenſation or act of Parliament, to be maid in the contrair: Exceptand alwaies, the Benefices diſponed to the Senatours of the College of Juſtice, and quhilkis ar laick patronages, the ſamin being alwaies provided to qualified perſones; Conforme to the act of Parliament, maid thereanent: And the Arch-deanrie of *Saint-Andrewes*, provided to Maiſter *George Young*, his Hieneſſe Secretar depute.

122. *The mercattes quhilkis ar forbidden on the Sabboth-day, may be halden upon the oulk dayes.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, decernis and declaris, that it ſall be leaſum to all Tounes and Parochiners to Landward, quhair mercattes of before were keeped and halden upon the Sabboth-day (being now prohibite be the Law of God, and Lawes of this Realme, ſwa to continue) to elect and chooſe ony uther day in the oulk, for halding of the ſaidis mercattes, within the ſaidis tounes, and at Landward Kirkes, quhair they were accuſtomed to have mercattes of before (not being the Mercatte day of the nixt Burgh) And there to buy and ſell vivers, and ſik uther commodities, as were uſed upon the Sabboth-day, without ſtop or impediment: Alwaiſe without prejudice of the richt and libertie of his Hienes free Burrowes: And that letters be directed thereupon, gif neede beis, in forme as effeiris.

123. *Quha hes not given Confeſſion of their Faith, ſall not enjoy the benefite of the act of Parliament.*

OUR SOVERAINE LORD And Eſtaites, remembring the lait civill troubles within this Realme, and that for pacifieng thereof, there hes bene ſindrie gud conſtitutiones and actes of Parliament, maid and ſet downe: Sik as the act of Pacification, concluded at *Perth*, in the Moneth of *Februarie*, M. D. LXXII, thereafter ratified in the Parliament, halden at *Haly-rude-houſe*, in the Moneth of *April*, M. D. LXXIII. zeires: The act of Abolition, in the Parliament, halden at *Linlithcow*, in the Moneth of *December*, 1585. zeires: And the act maid in the Parliament halden at *Edinburgh*, in the Moneth of *Julij*, ane thouſand, five hundreth, four ſcore ſeven zeires: Ratifieng the foreſaidis acts of Pacification and Abolition. Quhilkis haill actes and conſtitutiones, were onelie maid and granted, in

ſavoures of ſik perſones, quha profeſſed the trew Religion; As the ſamin is preſentlie profeſſed within this Realme: And that hes acknawledged our ſaid Soveraine Lord, and his Hienes authority. And to the effect, that the benefite and commoditie of the ſaidis actes, be not extended in favour of onie perſon or perſones, quha profeſſis not the trew Religion, as the ſamin is preſentlie profeſſed within this Realme, and hes not acknawledged our ſaid Soveraine Lord, and his Hieneſſe authoritie: Therefore our ſaid Soveraine Lord, with adviſe and conſent of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, findis, decernis and declaris, that the foreſaid act of Pacification, maid and concluded at *Perth*, and ratified thereafter in Parliament, as ſaid is: The acte of Abolition, maid at *Linlithcow*, in the Moneth of *December*, ane thouſand, five hundreth, fourſcore five zeires: And the act maid in the Parliament, halden at *Edinburgh*, in the Moneth of *Julij*, 1587. zeires: Ratifiand the ſaidis acts, with the haill eikes maid thereto, ar onely extending, and maid in favour of ſik perſons, quha profeſſis the trew religion, as the ſamin is preſently profeſſed within this Realme: and hes acknawledged his Hienes authoritie: And that na perſon nor perſons, quha wer forefaulted, conviet of barratrie: or quha tint their benefices or penſions, *ipſo facto*, may be heard to ſeek the benefite of the ſaids acts, or ony of them: or to uſe onie reſtitution, or ratification thereof, before that they profes the trew religion, as the ſame is preſentlie profeſſed within this Realm, and acknawledge our ſaid Soveraine Lord, and his authoritie: And this act, not onelie to be extended againſt all perſons, quha hes bene forefaulted, convict of barratrie, and tint their benefices *ipſo facto*, at onie time before the dait hereof: But alſo to all perſones, that ſall happen at onie time, hereafter, to be forefaulted, convict of Barratrie, or lauchfullie tine and amit their benefices and penſiones.

124. *Anent the dewtie of Schireffes and Judges ordinar, their deputes and Clerks.*

FOR Remeid of the great contempt, diſordour and wrang, quhilk hes bene in diverſe partes of this Realme, in default of keeping and execution of the gude lawes and actes of Parliament maid of befoir, be the Schireffes, and utheris Judges ordinar, their deputes and Clerkes: It is ſtatute and ordained, be our Soveraine Lord, with adviſe of his Eſtaites in Parliament: that the ſaidis Schireffes and uthers Judges ordinar, alſweill to burgh, as to land, within regalitie as royaltie, do their exact diligence, to knaw and underſtand the Lawes of this Realme, and actes of Parliament, quhairof the execution is committed to their charge: And that they put the ſamin in execution without delay, after the end of this preſent Parliament, ſpeciallie in ſearching, ſeeking, following, perſewing, apprehending, committing to waird, and preſenting to Juſtice of declared traitoures and rebelles, contemnandlie remaining at the horne, and ſtandand regiſtrat in their awin buikes unrelaxed, or in doing of Juſtice, upon them, gif they have commiſſion to that effect: And gif they cannot apprehend the ſaidis traitours and rebelles, within the bounds of their awin juriſdiction, to make denunciation to the Schireffes and Judges ordinar, of the foure halfes about, that ſik perſons ar fled within their bounds, requiring them to uſe the like diligence, in ſearching and apprehenſion of them: as they will anſwere to his Majeſtie, at their perrell, and under the ſame paine, that the traitoures or rebelles hes incurred. In inquiring, ſearching and apprehending of ſornares, oppreſſoures, ſtrang vagaboundes, and beggares, wandring athort the Realme, on pretenſe that they ar ſchip-broken or baniſhed for ſlaughter, or uther odious offenſes: Or ar of the diſſimulat thiefes and abuſers, calling themſelves *Ægyptians*. In execution of Juſtice, in all civil cauſes belanging to their judgement, without partialitie or needles delayes. In extracting of Proceſſes, decreets, and giving of ſeaſinges and retoures, at reaſonable prices, without exorbitant extorſion. In bringing of their court buikes, with the compt of eſcheittes, and un-lawes, intrometted with be them zeirlie, to the checker. In making of their Deputes and Clerkes, of men of beſt fame, knawledge, underſtanding and experience, that may and can uſe the office, quha ſall be aſtricted to bring their regiſters, of ſeaſinges, horninges and regiſtrationes, to the checker, and his Hienes Theſaurer, as is conteined and ordained in the actes of Parliament, maid there-anent of before. And that the ſaidis Schireffes and uther ordinar Judges, may the better execute and do their dewtie in the premiſſes: Our Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, ratifies and apprievis all liberties, priviledges, regiſtrationes, fees, and commodities, granted to them, their Deputes and Clerkes, be his Hienes, or his Progenitoures of befoire, they alwaies findand gud ſovertie, in his Hienes nixt checker, for diſchargeing of their office dewtifullie, and making of their compts zeirlie in the checker, at the diettes appoynted thereto: and that they ſall nawaies ſuffer themſelves to be denunced to the horne, in default thereof: But that they ſall ſend their deputes, ane or maa, and Clerk zeirlie at the firſt day of *November*, to be examinat and admitted, be the Lords of Councell and Seſſion, under pecunial paines, at the Lordes modification, to be paied be them, to our Soveraine Lordis uſe, in-caſe of failzie, with certification to them, that git the ſaid ſovertie be not found betuixt and the end of the nixt checker, they ſall be denunced rebelles, and put to the horne: and thence furth, all his Hienes ſubjects, within their juriſdictions ſall be exeemed fra their offices, and juriſdiction: And attour declaris and ordainis all precepts furth of the Chancellarie upon retoures to be paſt in the auld maner to the Schireffe, and utheris Judges ordinar, with the clauſe, *capiendo ſecuritatem*, un-urgeand the partie with preſent payment, in-caſe the ſaid ſovertie be found, as ſaid is.

125. *The office of the* Lyon *King of Armes: of execution of letters of treaſon: of the admiſſion and number of the officiares of armes.*

OUR Soveraine Lord, and Eſtaits of this preſent Parliament, conſidering the great abuſe that hes bene amangſt the lieges of this Realm, in their bearing of armes, uſurpand to themſelves ſik armes as belangis not unto them: ſwa that it cannot be diſtinguiſhed be their arms, quha ar Gentlemen of bluid, be their anteceſſors: nor zit may be decerned, quhat Gentilmen ar diſcended of Noble ſtock and linage. FOR remeid quhairof, his Hieneſſe with adviſe of the ſaidis Eſtaites, hes given and granted: And be this preſent Acte, gives and grantis, full power and Commiſſion, to *Lyon* King of Armes, and his Brether Herauldes, to viſite the haill Armes of Noble-men, Barronnes and Gentle-men, borne and uſed within this Realme: And to diſtinguiſh and diſcerne them, with congruent differences, and thereafter to matriculate them in their buikes and regiſters: and to put inhibition, to all the commoun ſort of people, nocht worthie be the Lawe of Armes, to beare onie ſignes armorialles: That nane of them preſume, or take upon hand, to beare or uſe onie Armes, in time cumming, upon onie their inſicht or houſhald geare, under the paine of eſcheitting of the guddes and geare, ſwa oft as they ſall be found contravening this preſent Act, quhair-ever the ſamin Armes ſall be founden graven and painted, to OUR SOVERAINE LORDIS uſe: And like-wayes under the paine of ane hundreth pundes, to the uſe of the ſaide *Lyon*, and his Brether Herauldes: And failzeing of payment thereof, that they be incarcerat, in the narreſt priſon, therein to remaine upon their awin charges, during the pleaſure of the ſaid *Lyon*.

ITEM, Becauſe charges of treaſon, hes not bene execute and uſed, with ſik ſolemnitie and Officiares of Armes, as the weichtines thereof requires: It is ſtatute and ordained, that our Soveraine Lordis Theſaurer, and utheris directers of ſik letters, deliver them in time cumming, to be execute be the ordinar Herauldes and Purſevantes, bearand coattes of armes, or Maſers, to bee uſed be them, as of before: And gif ony execution, under the paine of treaſon ſall be execute utherwaies, declaris the execution to be null, and of nane availe. *Execution of letters of Treaſon.*

ITEM, In conſideration of the great abuſe of Meſſengers and of Officiares of Armes within this Realme, quhilkis for the maiſt part ar not qualified, for uſing of the ſaid office, being admitted be extraordinar and importune ſuites: be quhais abuſe, the Lieges of this Realme ar heavilie troubled and oppreſſed: Therefore it is ſtatute and ordained, that the ſaid King of Armes, be adviſe of the Lordes of Councell and Seſſion, deprive and diſcharge, all ſik Officiares and Meſſengers of Armes, as he ſall finde unworthie of the office. And take ſicker ſovertie of the remanent, for obſervation of their Injunctiones in time cumming: With power to the ſaid King of Armes, with adviſe of the ſaidis Lordes, to injoyne further neceſſar injunctiones to the ſaidis meſſengers, for keeping of gude ordour in their offices: diſchargeing him in the mean-time, to admit ony maa Officiares hereafter, quhill the haill meſſengers, preſentlie bearing armes, be reduced be death or deprivation, to the number conteined in the acte of Parliament, maid anent the confuſed number of Officiares of armes.

ITEM, Becauſe the juriſdiction of the *Lyon* King of Armes, is not able to execute dew puniſhment upon all perſones, that ſall happen to offend in the office of Armes: Therefore our Soveraine Lord, with adviſe of his three Eſtaites in Parliament, ordainis and commandis, all civil magiſtrats, as they ſall be required be the King of Armes, or onie utheris in his name to concur with him, to ſee the acts maid in his favours, of his office put to dew execution in their juriſdictions: As alſwa to concur with him, to the puniſhment and incarceration of all ſik perſons, as ſall uſurp the bearing of his Majeſties Armes, after dew deprivation, under the paine of rebellion, and putting of the diſobeyers to his Hienes horne, with certification to them and they failzie being required, letters ſall be direct *ſimpliciter* to put them to the horne.

126. *The names of all rebels ſuld be delivered to the Theſaurer, with all unlawes. Names of all fugitives.*

BECAUSE, It is provided that criminall letters ſall not neid to be regiſtrat, bot to returne to the adjournal: Theirefore ordainis and commandis the Juſtice Clerk and his deputes within ſexe dayes, after criminall Letters, with execution of onie perſones at the Horne, beis returned to them, to deliver the names denunced, with ane breiſe note of the cauſe to the Theſaurer, or his Clerke, or Regiſter, that letters for the uptaking of eſcheittes, of the perſones denunced, may be directed and execute, with all expedition, as the ſaid Theſaurer and Juſtice Clerke, will anſwer to his Hieneſſe, upon their dewtie and diligence, That in Juſtice courtes, or Juſtice aires, the haill aſſiſe ſummound, being called out and the abſentes unlawed: The extract of the acte of the unlawed, be delivered to the Theſaurer, or his Clerke, within ſex daies thereafter, that letters bee directed thereupon, for uptaking of the ſaidis unlawes, without compoſition to be maid therefore.

And likewiſe quhen-ever onie perſones, that hes fund ſovertie to underly the Law, compeiris not at the day appoynted, and their-throw are decerned to be denunced rebelles, as fugitives fra the Law: The Juſtice Clerk or his deputes, ſall deliver the act of adjournal thereupon, with the precept to denunce the perſones ſa decerned fugitive, be open Proclamation, at the mercat-croce of *Edinburgh*, within ſex daies, after they

be decerned: quhilk denuntiation, our ſaid Soveraine Lord, with his Eſtaites declaris and admittis, to be als lauchfull to intrometting with the eſcheittes, as gif the ſamin were maid at the mercat-croce of the head Burrowes of the Schires, quhair the ſaidis rebelles dwelles: Bot the ſaid horning ſall not ſerve to put the inhabitantes of the ſaidis Schires, in *mala fide*, toward the receipt, ſupplie, and inter-communing with the ſaidis Rebelles denunced, quhill the ſaid denunciation of horning be uſed at the mercat-croce, of the head Burrowes of the Schire, quhair the perſones rebelles themſelves dwellis; And that the Lordes of Councell and Seſſion, grant na Letters of ſuſpenſion, upon onie paines and un-lawes of liquidat ſummes, charged for be the Theſaurer, without conſignation or gude ſovertie, in the in-partes of the Realme.

That *Lyon* King of Armes, within fiftene daies, after the publication of the Actes of this preſent Parliament, deliver to the Theſaurer, or his Clerk, the names of the Officiares ſtanding admitted, with the names of their cautioners: as alſo the names and cautioners of the deprived officiares in time cumming. That all exemptiones and licences fra raides and aſſiſes, or for tranſporting of forbidden guddes (gif onie ſall happen to be granted) ſall be ſubſcrived be the Theſaurer for compoſition to his Hienes uſe. And to be regiſtrat in the Theſaurers regiſter, to the effect he may be charged there-with in time cumming in his comptes, and that na ſik licences be warrand in judgement, or to the ſignet or privie ſeale, wantand the ſubſcription of the ſaid Theſaurer. And for-ſameikle as the care and charge of the receiving and making compt of the Monkes portiones, firſt fruites and fiſt-penny of benefices, is committed to the charge and diligence of his Hieneſſe Theſaurer. Therefore ordainis and commandis the ſaid Theſaurer, to make ane perfite rentall of the ſaidis Monkes portions, firſt fruites, and fiſt-pennie, and to charge and diſcharge him therewith in his comptes. And that hee may be the better acquented therewith; Ordainis all ſignatours of giftes and proviſiones to be paſt upon onie part of the ſame, to paſſe his Hienes Theſaurers regiſter, and be ſubſcrived be the keeper thereof, before it be ſufficient warrand to the ſeales. OUR SOVERAINE LORDE, with adviſe of his three Eſtaites in Parliament, diſchargis all commiſſiones of Juſticiarie granted be his Hienes of before, and nane to be granted in time cumming generally; or for langer ſpace, nor the earand in hand, may be convenientlie perſited, and that upon caution to produce the proces, and pay that pairt of the commoditie, quhilk be the commiſſion is deſtinate for the Kingis uſe.

Licences.

Monkes portiones.

Commiſſiones.

127. *All few-fermes and confirmationes of the Kingis propertie, nocht paſt with conſent of the Comptroller, ar null.*

ANENT The complaint given to his Majeſtie and Eſtaites of Parliament, be his Hienes Comptroller, makand mention, that diverſe and ſindrie infeftmentes of his Hieneſſe propertie, hes paſt the ſeales without the ſaid Comptrollers knawledge or conſent, quhair-throw he is not able to knaw his Majeſties tennentes, nor their zeirlie dewtie. For remeid quhairof, our Soveraine Lord, and Eſtaites of this Parliament, declairis and ordainis all infeftmentes of few-ferme, or confirmationes of the proper landes perteining to his Hienes Crown, that are made ſen the entrie of this preſent Comptroller to his office, or to be maid in time cumming, without the expreſſe conſent and knawledge of the ſaid Comptroller the time of the making thereof, and ſubſcription of his hand, and paſſing his Regiſter, quhairby the eſtait of the ſaides Landes ar onie wiſe altered or innovate, to bee null and of nane availe, in all time cumming, albeit the ſame be paſt throw all the ſeales. Becauſe the Comptroller ſuld knaw quhen onie tennentes is altered or newlie entered to the Kinges propertie, and that the wanting of the Comptrollers ſubſcription to the ſignatoures, quhilk is the warrand of the ſaid original Chartour, ſall be ane ſufficient cauſe of reduction.

128. *For the better keeping of the Kingis Parkes.*

OUR SOVERAINE LORDE, with adviſe of his Eſtaites, conſiddering the great skaith done to his Parkes and Forreſtes, be the libertie that everie man uſurpis, be the in-putting of all kinde of guddes in them, but ony licence, had and obteined thereto: Quhair-throw the ſaidis Parkes and Forreſtes ar alluterlie deſtroyed and maid unprofitable for his Majeſties uſe: Therefore it is ſtatute and ordained, that quhat-ſum-ever guddes, not in-put be the Comptroller, or onie havande his power, ſall be at onie time after this preſent Parliament, found paſturing within onie his Majeſties Parkes and Forreſtes; It ſall be lauchfull to the Comptroller, or onie havand our Soveraine Lordis power, to intromette-with the ſamin as eſcheitte, and in-bring them to his Majeſties uſe, without onie danger of Law, or perrell to follow there-upon. And that letters be direct hereupon, be the Lords of ſecreit Councell, Seſſion or Checker: Chargeing all and ſindrie, within ten daies warning, to redde and remove their haill guddes out of the ſaidis Parkes: With certification and he failzie, the ſaid ten daies being by-paſt, they ſall be eſcheitted and in-brocht to his Majeſties uſe and behoove: And that publication bee maid hereof at the Paroche Kirkes, and mercat-croces of the Burrowes nixt adjacent, to the ſaidis Parkes and Forreſtes.

129. *Anent the cuſtome of* Engliſh *guddes, and ſearching of guddes cuſtomable.*

ITEM, OUR SOVERAINE LORD And Eſtaites of this preſent Parliament, ratifies, apptievis and confirmis, the act of ſecreit Councell, maid upon the penult day of *Februar*, ane thouſand, five hundreth,

hundreth, fourſcore nine zeires; Anent the bringing of all packes of *Engliſh* claith, haill, un-broken-up to the Cuſtome houſe, and ſelling thereof, in maner conteined thereintill, in all poynts, artickles and clauſes, *reſpective* ſpecified in the ſame, with this addition: That na maner of perſones, take upon hand, to houſe, hide, or conceale ony maner of *Engliſh* guddes, ather cummand be Sea or land, in onie Burgh or ſub-urbe of this Realme, under the paine of confiſcation of all the guddes, ſwa hid and concealed, in defraud of the dew Cuſtome, quhair-ever the ſamin can be apprehended. And in-caſe the ſamin be not apprehended, the awners to make the availl thereof foorth-cummand to his Majeſtie as eſcheitt, after tryal tane thereintill as effeiris: And alſwa for the better execution, to ordaine ilk Cuſtomer, to ſearch within the bounds of his office, all maner of houſes and buithes, alſweill to Burgh as to land, and to eſcheit, confiske and intromette with all maner of uncuſtomed *Engliſh* guddes, and all *Engliſh* claithes unſealed, and gif neede beis, to make open durres, and uther lock-faſt lumes, and to uſe his Majeſties keyes to that effect: And in-caſe onie perſones reſiſt be force, to make open and patent durres to the ſaid cuſtomer, for the effect foreſaid; The perſones reſiſters, to be under the like danger, as the committers of the deforcementes, and to be puniſhed in their perſones and guddes, conforme to the acte maid thereanent: Ordaining alſo the Proveſt, Baillies and Magiſtrates of ilk Burgh, gif neede beis, to concur and aſſiſt, with the ſaidis Cuſtomers, in execution hereof, ſwa oft as they ſall be required thereto.

130. *Anent ratificationes paſt in this preſent Parliament.*

THE Kingis Majeſtie, and Eſtaites of this preſent Parliament, decernis and declaris, that the ratification of onie particular richtes, infeftmentes, tackes, penſiones, or utheris writtes and evidentes, granted to quhat-ſum-ever perſones in this preſent Parliament: Sall nawaies prejudge, hurt, nor derogate to the particular richtes of uther parties: Notwithſtanding they be not ratified nor confirmed at this time, be his Hieneſſe, and his ſaidis Eſtaites.

AND Mairover, it is ſtatute and ordained, be OUR SOVERAINE LORD, and his Eſtaites, in this preſent Parliament: That albeit ſindrie ratifications be paſt and pronunced in this preſent Parliament, in the favour of ſindrie of the Eſtaites, or private perſones, upon ſimple Articles: As alſwa ſum favoure granted to the vaſſalles of perſones forefaulted in the ſame Parliament, and to the Burgeſſes and inhabitantes of *Edinburgh*, being infeft in landes, or annual-rentes, annalled to them, be onie of the ſaidis perſons, now forefaulted, or their predeceſſoures, under reverſion: zit ſall not the ſame ratificationes be regiſtrat in the Parliament buik, nor have effect without the ſignatoures of infeſtmentes, or articles granted or ratified, be ſubſcrived be his Hieneſſe Theſaurer, or his ticket ſent to the Clerk of Regiſter, teſtifiand the Theſaurer to be ſatisfied, that his Majeſties commodity may be reſpected, as apperteinis: And that betuixt and the firſt day of *Auguſt* nixt-to-cum: utherwaies the ſaidis ratificationes to be null, as gif they had not bene granted, nor pronunced in Parliament: And that the trew rentalles of things ratified to Burrowes, Colleges, or Hoſpitalles, be preſented to his Hieneſſe and his Councell, betuixt and the ſaid firſt day of *Auguſt* nixt-to-cum: With a declaration how the ſamin is imployed, utherwaies the ſame ratification to be null.

131. *Anent the production of rentalles and fewes.*

FORSAMEIKLE As in our SOVERAINE LORDIS umquhile deareſt Mothers time, the thrides of all benefices within this Realme, was be Act appointed to the ſuſtentation of her Majeſties houſe, and of her Hienes Succeſſoures, ſa farre as happened to reſt frie thereof, by the ſuſtentation of the Miniſterie, within this Realme. And ſik-like, OUR ſaid SOVERAINE LORDIS, his ſaidis umquhill deareſt Mother, and uthers his Hienes Predeceſſours of gud memorie, hes founded, confirmed, and augmented diverſe Hoſpitalities within this Realme, with the giftes and donations theirto, quhilkis his Majeſtie is willing to ſtand for ever, without onie hurt or derogation: as alſwa in the lait Parliament, halden at *Edinburgh*, in the moneth of *Julij*, the zeir of God, ane thouſand, five hundreth, foure ſcore ſevin zeires; The haill temporal Eccleſiaſtical Lands of his Realme, are annexed to his Hienes Croun, and his Majeſtie ordained to have preſent poſſeſſion theirof, payand to the lyfe-renters pennie for pennie, and boll for boll. And becauſe his Hienes cannot underſtand quhat courſe to follow-out, anent the premiſſes, and cannot knaw perfitelie quhat the ſaidis thrids will extend to, nor quhat will be the rent of the ſaidis Hoſpitalles, nor quhat preſent commodities will fall to his Hienes, be the ſaid act of annexation, nor how the Miniſterie of this Realme, ſall be dewlie provided, according to his gud will, minde and intention, without his Majeſtie and his Hienes Commiſſioners, to be appointed to that effect, have the ſicht of the rentalles of all Biſhopprickes, Abbacies, Priories, Proveſtries, Parſonages, Vicarages, Altarages, Chaplanaries, Templaries, and utheris Benefices: And of all Maiſon-dieus, and Hoſpitalles, within this Realme, and of the rentes thereof, foundationes of the ſamin: And of all thinges founded, given and mortified thereto; And of all infeftmentes, tackes, titles, richtes and ſecurities, maid to quhat-ſum-ever perſon or perſones, anent quhat-ſum-ever Kirklandes, Temple-landes, teindes, and utheris Eccleſiaſtical rentes and poſſeſſiones quhat-ſum-ever. Therefore it is ſtatute and ordained, be his Hieneſſe, with adviſe of his Majeſties Eſtaites, in this preſent Parliament; That all and ſindrie perſones within this Realme, as they ſall be charged thereto, in ſpecial or in general, be open Proclamationes, at the head Burrowes of the Schires quhairin they dwell; compeir, bring, and produce

produce with them, before his Hienes Commiſſioners, ane or maa, to be appoynted be his Majeſtie to that effect; Sik day and place, as ſall be appoynted to them to that effect, under the paine of rebellion, and putting of them to the horne: with certification to them and they failzie, that they ſall be put thereto, and to put them to the ſame, in-caſe of failzie; The rentalles of the ſaidis Biſhopprickes, Abbacies, Priories, Proveſtries, Parſonages, Vicarages, Altarages, Chaplanries, Templaries, and utheris Benefices: And of all Hoſpitalles and Maiſon-dieus within this Realme, and of the rentes thereof, foundationes of the ſame: And of all thinges, fonnded, given and mortified thereto; And all and quhat-ſum-ever infeſtmentes, tackes, titles, richtes and ſecurities, maid to them, anent quhat-ſum-ever Kirk-landes, Temple-landes, Teindes, and utheris Eccleſiaſtical rentes and poſſeſſiones quhat-ſum-ever: And all richtes and titles, that they or onie of them, may pretend thereto. And to deliver to the ſaides Commiſſioners inſpection of the ſame, and the authentick copies theirof: With certification, and they failzie; letters ſall be direct *ſimpliciter* as ſaid is.

132. *Anent the juriſdiction, preſentation, qualities and age of the Lordes of Seſſion.*

BECAUSE The Nobilitie, Erles, Lords, and Barronnes, auncient heritoures of landes, livinges, and poſſeſſiones, underſtoode the inſtitution of the College of Juſtice, and Lordes of Seſſion, to have bene fra the beginning, for deciſion of all civill actiones; unto the quhilk deciſion their haill heritages, livinges, landes, and poſſeſſiones are ſubject: And that his Hienes Progenitours inſtitute the ſaid College of cunning and wiſe men: Quhilk his Majeſtie willing to continew, according to his for-bearis gud intention: And to foreſee the corruption increaſand in the ſaid College, in this latter and declining age, declairis his Hienes minde be Acte of Parliament: That in all times hereafter quhen onie place ſuld vaik in the Seſſion; That his Majeſtie ſuld preſent and nominate thereto, a man fearing God, of gud literature, practik, judgement, and underſtanding of the Lawes, of gud fame, having ſufficient living of his awin: And quha could mak gud expedition, and diſpatch in matters tuitching the Lieges of the Realme. And zit that it is required, that his Hienes gude intention be mair ſpeciallie expreſſed toward the complaint of cheiſing of zoung men, without gravitie, knawledge, and experience, upon the ſaide Seſſion, not having ſufficient living of their awin.

THEREFORE OUR ſaid SOVERAINE LORD, with adviſe of the Eſtaites of this preſent Parliament, declairis that nane ſall be received to ane place of ane Senator in the College of Juſtice, except he be ſufficientlie tryed and knawin be his Hienes and haill Lordes of the Seſſion: That the ſaid perſon, to be preſented and received, have in zeirlie rent, properlie perteining to himſelfe, the ſumme of ane thouſand markes uſuall money of this Realme, or els twentie chalders of victuall: and that his experience, qualitie, and converſation, may be the better tryed, that he be of the age of twentie five zeires at the leaſt compleit, in all time cumming, utherwiſe his preſentation and admiſſion to be null, annulland all preſentationes, given and granted be his Majeſtie, ſen his Hienes Coronation, to quhat-ſum-ever perſon or perſons, not beand of the age foreſaid: ratifiand nevertheleſſe and apprievand alwaies all actes maid be his Majeſties predeceſſours, and his Hienes ſelfe of before, upon the inſtitution of the ſaid College, and reformation of the abuſes theirof.

133. *Touching the authentick daiting and regiſtring of ſignatoures.*

OUR SOVERAINE LORD with the adviſe of his Eſtaites, hes ſtatute and ordained; that na ſignatoures ſall paſſe the Regiſters, of his ordinar officiares of eſtaite under-written: Except the dait thereof be filled up with the handes of the Theſaurer, Collectour, Comptroller, Theſaurer of augmentations and Secretar, or their principal Clerks awin handes: And that the regiſtration of the Signatour, or letter beare not onelie upon the back of it (regiſtrat) But the daie and dait of the regiſtration, with the number of the leaves of the buik, quhairin it is regiſtrat; Quhilk buik, ſall be marked be the hande of the Clerke of Regiſter, or his depute conſtitute to that effect. And ſik-like, that the keeper of the Signet, ſall write on the back of the Signatour, the ſpecial day that he affixt the Signet: And the writer, keeper of the privie ſeale, ſall write like-wiſe upon the back of the letter, the daie that he writes, and paſſis the ſame the privie ſeale. Quhilks warrands ſwa marked, ſall be maid furth cummand to onie partie intereſſed, for tryall of the ante-dait, be the keepers of the ſignet and privie ſeale; And that the tryall of the ſaidis ante-daites, ſall not be received, without verie great adminickles, and certaine circumſtances of falſed: And that the ſumme conſigned for improbation be maid verie great; The forme of the improbation ſall onelie be received be the writers of the Signatoures, the principal Officiares, their deputes or Clerkes, keepers of the Regiſters, keepers of the Signet, privie ſeale, and their ſervandes, writers of the precept, and writers to the great Seale, and keepers of the ſame, and na uthers. And the puniſhment of ſik falſed, gif onie beis found and tryed, ſall be puniſhed with the paine of falſed and leſe-majeſtie: And three partes of the landes and guddes of the offender, to be adjudged to the King, and the fourth part to the partie grieved.

134. *For eſchewing of falſettes in reduction of decreetes of Redemption.*

OUR SOVERAINE LORDE And Eſtaites of Parliament, underſtanding that the fabricating, forgeing and deviſing of falſe evidentes and writes, within this Realme, produced, and furniſhed innume-

innumerable and infinite actiones and pleyes amongſt his Lieges, to the hurt and prejudice of his Hieneſſe faithfull and trew ſubjectes: For remeid and eſchewing quhairof; OUR ſaid SOVERAINE LORD, with adviſe and conſent of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, findis, decernis, and declaris, that it ſall not be leſum to ony perſon or perſones within this Realme, their aires and ſucceſſoures: Or utheris perſones quhat-ſum-ever, having richt proceeding fra them, to perſew for reduction, or utherwiſe to call in queſtion ony decreete of redemption of lands, teindes, Coales, Coale-heuches, wooddes, milnes, Fiſchinges, Caſtles, Toures, Fortalices, or onie part thereof, obteined at the inſtance of quhat-ſum-ever perſon or perſones, againſt quhat-ſum-ever perſon or perſones, at onie time, before the dait hereof, be vertew, or under pretext of quhat-ſum-ever diſcharges of reverſion or reverſions, poſteriour infeftments, or utheris contractes quhat-ſum-ever, quhilkis may evacuate and take awaie the ſaidis decreetes of redemption, or ony of them; And this acte onelie to have place in decreetes of redemption, proceeding upon lauchfull premonitiones, maid be the parties lauchfull contradictoures, quhilkis were alſo dewlie ſummound, to the giving of the ſaidis decreetes; And for obedience thereof, hes lauchfullie renunced the landes, and utheris ſpecified in the ſame decreetes of redemption: and quha hes bene at ſindrie times ſummound, and conveened before the Lordes of Seſſion, at the inſtance of his Hienes Advocates and parties for their intereſt, for production and improbation of all diſcharges of reverſion or reverſiones, poſterior infeftmentes, uthers rights and ſecurities quhat-ſum-ever: Quhilkis might prejudge or make derogation to the reverſion or reverſiones, quhair-upon the ſaidis decreetes of redemption, or onie of them hes followed, and produced na diſcharges, poſterior infeftmentes, nor na utheris writtes, quhilkis might reduce or take awaie the ſaidis decreetes of redemption: or prejudge, or make derogation, to the reverſion or reverſiones, quhair-upon the ſaidis decreetes of redemption, or onie of them proceeded: Swa that the ſaidis perſones, lauchfullie warned and ſummound, in maner foreſaid, might pretend na ignorance of the ſaidis decreetes of redemption.

135. *All annual-rentes may be redeemed, be fulfilling of the pointes of the reverſion and payment of ten for the hundreth.*

OUR Soveraine Lord, and the three Eſtaites, ſtatutis and ordainis, that it ſall be leſum to all perſons quhat-ſum-ever, alſweill minors, as majors, addetted in payment of zeirlie annualles, quhilkis ar redemable, to redeme all annualles; ather victual or ſilver, ſauld or annalied be their predeceſſors, furth of ony part of the lands, in time by-gane, be payment or conſignation of the principall ſumme, conteined in the reverſion or reverſions: togidder with the by-runne annualles thereof: Quhilkis by-run annualles, his Hieneſſe and Eſtaites, liquidatis and modifies, to ten markes for everie hundreth markes allanerlie: Finding and declaring the redemption of the ſaidis annualles, to be lauchfull be payment or conſignation of the ſaidis principal ſummes; togidder with ten markes for everie hundreth markes thereof, for the by-run profites of the ſame, conforme to the infeftmentes maid thereupon; Nothwithſtanding quhat-ſum-ever contractes, bandes, obligationes, infeftmentes, decreetes, or uthers ſecurities quhat-ſum-ever, maid to them of greater annualles, nor ten markes for the hundreth markes: to the quhilkis, and everie ane of them, this preſent acte makis derogation, in ſa far as the ſame may be extended to the ſaidis zeirlie annualles.

136. *New boundand infeftmentes prejudgis nocht onie perſon anent their meithes and marches.*

IT IS Statute, ordained, and decerned be his Hienes and Eſtaites of this Parliament, that the bounded infeftmentes quhat-ſum-ever, ather granted or to be granted, be our ſaid Soveraine Lord, or onie of his ſucceſſors, or be onie uther ſuperior to his awne heritable tennent, be the ſaid heretable tennentes reſignation; Albeit the ſame conteine ane new gift with ſuppliement of all faultes, (quhilk onlie reſpectis the ſuperior, grantand the ſaid infeftment, and na wiſe ſuld be extended to the prejudice of the thrid perſone) that the ſaid infeftment paſt upon the reſignation of the tennent, ſall woork na prejudice anent the bounds or marches, ather in property or commountie to ony uther perſon, bot the queſtions ariſing upon the richt and poſſeſſion of the ſaid propertie and commountie, ſall be determined and judged be the Lordes of Councell and uthers inferior Judges, and Miniſters of the Lawes in the ſame ſort and maner, as gif there were na mention of boundes and marches, conteined in the infeftment paſt upon the ſaid reſignation.

137. *Penſiones not authorized be decreet nor poſſeſſion are null.*

FORSAMEIKLE As there being diverſe penſiones, alleged diſponed furth of the benefices and prelacies of this Realme, to the great hurt and prejudice thereof, and the ſucceſſours, albeit na poſſeſſion is followed nor apprehended thereupon in the prelates lyfe-time alleged diſponers theirof, quhair-throw the ſamin fallis of the Lawe and manifeſtlie appearis to be but forged and counterfaict titles. And be reaſon of the corruption of this time and the great hurt and prejudice of OUR SOVERAINE LORD, and the Succeſſours ſuſteined thereby: It is ſtatute and ordained be the late Acte of Parliament made anent annexation of Kirke-landes to OUR SOVERAINE LORDE, that quhat-ſum-ever penſiones, diſponed furth of the prelacies, and neither authorized with decreetes nor poſſeſſion before the ſaide Act, ſuld fall and be null, of nane availl, force nor effect. Quhilk Act his Hienes

with adviſe of the haill Eſtaites, ratifies, apprievis, confirmis, and declairis: and ordainis, that all and quhat-ſum-ever penſiones, alleged to be diſponed furth of prelacies, and nather authorized be decreet nor poſſeſſion, quhidder the ſame be of the ſpirituality or temporality, quhair upon neither decreet nor poſſeſſion hes followed, in the prelats life-time, and before the ſaide acte of annexation, ſall be null and of nane availl, force nor effect, in all time by-gane, and to-cum.

138. *Againſt unlauchfull conditiones in contractes or Obligationes.*

AS IT IS not leſum to uſe and commit uſurie: ſa it is not leſum to onie privie man, be his awen invention and authoritie, to aſtrict or burden onie of our Soveraines Lords lieges, with unlauchfull and impoſſible conditiones againſt all Law, equitie, reaſon and gud forme, albeit their neceſſitie for the time, conſtraine them to zeild thereto; as quhair ſum perſones gives foorth their money upon profite, upon contractes or obligationes, they provide that the parties receivers thereof quhair-ſoever they dwell, in farreſt partes of the Realme, ſall be charged to make payment, only be open Proclamation, at the mercat Croce of *Edinburgh* upon ſa ſchort and ſuddaine warning, as probablie and poſſiblie, it cannot cum to the knawledge of the perſones ſwa charged. And that the denunciation of the horning ſall be at the ſamin mercat croce, and the horning regiſtrat in the Schireffe buikes of *Edinburgh*, makand the ſamin als lauchfull, as gif the perſones were charged perſonally, or at his dwelling place: And the execution of horning, uſed at the mercat Croce of the head Burgh of the Schire, quhair the parties dwellis: And the horninges regiſtrat in the Schireffe buikes theirof, to the great hurt and prejudice, not onelie of the parties ſa denunced: Bot of our Soveraine Lord, and his Lieges, to quhais knawledge probablie the ſaides denunciationes of hornings cannot cum.

THEREFORE his Hienes with adviſe of his Eſtaites in Parliament, ſtatutes, ordainis and declairis, that na ſik unlauchfull and unpoſſible conditiones, be made in contractes or obligationes, amanges onie of his Hienes ſubjectes in time cumming. And in-caſe onie denunciationes of Horninges, ſall happen to be made at the ſaid mercat Croce of *Edinburgh*, only upon charges uſed thereat, proceeding upon the unlauchfull and impoſſible conditiones abone ſpecified: the ſame charges and denunciationes of horning, ſall not be repute lauchfull. Bot the parties uſers theirof ſall be charged, to cauſe charge and denunce of new, according to the forme, uſed and obſerved be the common Law, and conſuetude of the Realme.

139. *That the copies of letters or charges be ſubſcrived be the executor theirof.*

ITEM, It is ſtatute and ordained that in all time cumming, all copies of ſummounds and letters, quhilkis ſall be delivered to onie partie, be ſubſcrived be the officiar executor theirof.

140. *Na perſon may be denunced rebell upon letters charging all and ſindrie generallie.*

IT IS Statute and ordained in time cumming, that na charges nor letters of horning ſall be generallie directed, againſt all and ſindrie, except it be againſt ane Burgh, College or Communitie quhilk repreſentis ane body; at the leaſt, it ſall not be leſum to denunce onie particular partie to the horne, upon ſik generall letters, except gif the ſaid partie be firſt lawfullie and ſpeciallie called, to heare and ſee the ſaidis letters, direct againſt him, for a ſpecial and certaine dewtie or fact: And for this effect, that all giftes of penſione, Monkes portions, Miniſters aſſignationes of thriddes &c. The ſpecial landes, names of the tennentes, and quantitie of the dewties, aſſigned, aſſumed or diſponed, be particularlie conteined: and that an dewtie be not diſponed to twa ſindry parties, quhilk is *Crimen Stellionatus* of the Law: Providing it ſall be leſum to onie beneficed man, to ſeeke general letters, conforme to his proviſion, to corroborate the ſame, and to ſerve for ane publication and intimation thereof: Bot nawaies to ſerve or be ſufficient, to denunce onie man to the horne, not beand ſpeciallie called, and his dewtie expreſſed therein, as ſaid is.

141. *That compenſation* de liquido ad liquidum *be admitted.*

OUR SOVERAINE LORDE And Eſtaites of Parliament, ſtatutis and ordainis: That onie debt *de liquido ad liquidum* inſtantlie verefied be writ, or aith of the partie, before the giving of decreete, be admitted bee all Judges within this Realme, bee way of exception: Bot not after the giving thereof, in the ſuſpenſion, or in reduction of the ſame decreete.

142. *Damnage and expenſes of pley, ſuld be modified be the Judges.*

ITEM, It is ſtatute and ordained, that damnage, intereſt, and the expenſes of pley, maid and ſuſteined be the parties be altogidder admitted, and liquidat be the decreet, before all Judges within this Realme: And ſpeciallie quhen as the libell, claime or petition ar proven be writ, conteinand damnage, intereſt and expenſes, and upon regiſtrat bandes, obligationes, and contractes, ſummoundes bearand for the coaſtes and skaithes, quhilk will ſtay parties to be willfull and obſtinat pleyares. And this to be extended

extended alſweill to the defenders obteinand abſolvitour; as to the parties perſewares, obteinand decreete condemnatour.

143. *That obteiners of giftes of eſcheittes, pay the debt conteined in the horning, quhair-upon the gift proceedis.*

ITEM, It is ſtatute and ordained, that all intromettours with onie mans eſcheitte, be gift, aſſignation, or utherwiſe, who takis poſſeſſion of onie part or portion, of the denunced perſones landes, guddes or geir in ony wiſe, ſall be halden to pay the debt, conteined in the horning, quhair-upon the gift of eſcheit proceeded and fell; And that letters be direct ſummarlie, againſt the donatoures aſſignayes, or intromettoures, with onie part of the eſcheit, at the parties inſtance, upon ſex daies warning, to heare the ſamin decerned, or elſe to allege ane cauſe quhy.

144. *For puniſhment of the receipters of traytoures and rebelles.*

IT IS Statute and ordained be OUR SOVERAINE LORD, with adviſe of his Eſtaites in this preſent Parliament: That all former Lawes and actes of Parliament maid of before, againſt the receipters of Traitoures and Rebelles, and puniſhment of them quhilk contemnandlie remainis at the horne, ſall be put to dew execution in all pointes. And ſpeciallie, quhair ever onie declared Traytoures or Rebelles repairis in onie parte of this Realme, nane of our SOVERAINE LORDIS Lieges, ſall preſume to receipt, ſupplie, or inter-commoun with them: or to give them meate, drinke, houſe, harberie, or onie reliefe or comfort, under the ſame paine, for quhilk they ar fore-faulted, or put to the horne: And that immediatly upon knawledge of their repairing in the bounds, that all his Hieneſſe obedient ſubjectes, do their exact diligence at the utter-maiſt of their power, in ſearching, ſeeking, taking and apprehending of the ſaidis declared Traitoures and Rebelles, and preſenting of them to Juſtice: Or in following of them, quhill they be taken or expelled, and put foorth of the Schire: And immediatlie to make intimation to the Magiſtrates and perſones of power and authoritie in the nixt Schire: Quhilk ſall be halden to do the like exact diligence without delay, And ſa fra Schire to Schire, quhill they be apprehended and brocht to Juſtice, or expelled and put foorth of the Realme. And further, quhen ever onie maner of Traitoures, Rebelles, or unknawin men, vagaboundes, happenis to repaire in the Countrie, all his Hieneſſe Lieges, knawing them, or amangſt quhom they reſort, ſall with all poſſible ſpeede certifie his Majeſtie, or ſum of his ſecreit Councell, or ſum of the chiefe perſones of authoritie and credite, dwelling within the ſame Schire: That ſik perſones (gif they be knawen) ar within the ſame: And gif they be unknawen ſchawand their takens, and for quhat cauſe they pretend themſelves to be wandring athort the Cuntrie, or lurking in onie part: under the paine, that the Traytoures, Rebelles and vagaboundes, aucht to have ſuſteined in bodies or guddes themſelves, in-caſe they had bene apprehended, preſented and convicted be Juſtice.

145. *Anent the eſcheittes of Rebelles.*

OUR SOVERAINE LORDE, with adviſe of his Eſtaites in this preſent Parliament, ſtatutis and ordainis, that na aſſignation, or uther evident alleged maid in defraud of the creditour, ſall be a valiable title to perſew or defend with, gif it ſall be then inſtantlie verefied bee writ, that the cedent remainis Rebelle and at the Horne, for the ſame cauſe un-relaxed: Nor na gift of eſcheitte, aſſignation or uther richt, proceeding thereof, alleged maid in defraude of the creditour, and in favour of the rebell, ſall be valiable title to perſew or defend with, gif it ſall be then inſtantlie verefied be writ, that the rebell remainis ſtill at the horne, for the ſame cauſe; As alſwa it ſall be an relevant exception, againſt ony pretending title thereto, be aſſignation or gift of eſcheit of the rebell, to allege that the ſaid rebell himſelfe, his wife, bairnes, or neare friends remainis in poſſeſſion of his tackes and guddes, to his awin uſe and behoove. And in-caſe eſcheittes or life-rents ſall happen to be given ony utherwaies, nor to the behoove of the party offended: the Theſaurer ſall be halden to make the diſpoſition to an reſponſal perſon, quha ſall be debtor to the partie, at quhais inſtance the horning is led for his debt: Or the Theſaurer (gif he thinkis gud) ſall take gud ſufficient caution for his reliefe: And in-caſe the donatour ſall not be found reſponſal in landes or guds: Our Soveraine Lord, with adviſe of his Eſtaites, declaris the gift to be null. And becauſe perſons convict, or ſtanding rebelles for treaſon, murther, ſlauchter, or uthers odious crimes, commounlie hes the fruition of their guddes, debts, tacks, ſteadings and poſſeſſions, their houſes ſtill bruiked and poſſeſſed be their wives, bairnes, or tender friendes, to the defraud of the Law, of the profite of the Croun, and encourageing of wicked men, after committing of miſchievous deedes; And that under pretenſe and cullour of fraudfull diſpoſitiones or aſſignationes, maid be their ſelves, or giftes of their eſcheittes, ſimulatlie purchaſſed or transferred in favour of themſelves, their wives, bairnes, tender friends, or weill-willers, to their commoditie and behoove, for remeid quhairof, our Soveraine Lord, with adviſe of his Eſtaites, ſtatutis and ordainis; That the ſaidis fraudfull and ſimulat diſpoſitiones of eſcheittes, or ony thing following thereupon, ſall not ſerve to nuriſh and ſuſteine the ſaidis Traitoures and rebelles, in their contempt and rebellion: but that it ſall be lauchfull to his Hienes and his Theſaurer, to intromet-with, and up-take the ſaidis eſcheit-guddes, geare and debts, remaining in the poſſeſſion of the perſon be quhais deede and occaſion it fell: Or of his wife,

bairnes, familie, or tender friendes quhat-ſum-ever, upon the ground, and within the houſe occupyed and poſſeſſed be him, before he was declared, or put to the Horne; Or in-caſe hee have bene receipt in the ſame houſe at onie time after his foreſaltour, or denunciation to the Horne: notwithſtanding onie fraudfull diſpoſition or aſſignation, or ſimulat gift or richt of eſcheitt purchaſed of the ſame, in favour, or to the behoove of the ſaidis Traitoures or Rebelles of before, quhair-throw the houſes and poſſeſſiones of the ſaidis Traitoures and Rebelles, ſall nawaies bee ſuffered to cum to their uſe or commoditie, directlie, or indirectlie, during the time of their Rebellion; And the up-taking of the ſaidis eſcheitt guddes and debtes, and labouring of the ſaidis tackes and poſſeſſiones, during the continuance of the ſaidis Traytoures and Rebelles, in their rebellion, ſall nawaies be impute to the ſaid Theſaurer, or utheris havand his richt or direction, as ony action criminall or civill, exonering and diſchargeing them of the ſamin for ever: And that the ſaid Theſaurer or his deputes, cauſe the houſes of the perſones committers of the crimes foreſaidis, be deteined and keeped, upon the expenſes of the reddieſt of the ſaidis eſcheit guddes.

146. *Willfull ſetting of fire in Coale-heuches, is treaſon.*

FOR The better puniſhment of the wicked crime of ſetting of fire in Coale-heuches, be ſum ungodlie perſones, upon privat revenge and deſpite: It is ſtatute and ordained, that the committing of the ſaid crime, in onie time hereafter, ſall be treaſon: And that the committers thereof, being ordourlie convict, ſall ſuffer ſik puniſhment in bodies, landes and guddes, as is dew be the Law, in cauſes of treaſon.

147. *For puniſhment of maiſterfull beggares, and reliefe of the puir.*

OUR SOVERAINE LORDE And his Eſtaites, in this preſent Parliament, ratifies and approvis his Hienes act of Parliament, maid for puniſhment of ſtrang and idle beggars, and proviſion for reliefe of the puir and impotent: And ordainis the ſame to be put in execution in all partes of the Realme, as it hes alreadie tane effect, within the partes of the Burgh of *Edinburgh;* And becauſe ſum of the Schireffedomes ar of wide and lang boundes, quhair-throw it will be difficil, to convoy vagaboundes and perſones offending, to the commoun priſones of the head Burrowes of the Schire: Therefore ordainis and commandis all Schireffes, Stewartes, Baillies, Lordes and Baillies of Regalities, and their deputes: And Proveſtes and Baillies within Burrowes, to make priſones, ſtockes and irones: Not onelie at the head Burgh, but alſo at the principal throw-faire tounes, and Paroche Kirkes, within the haill boundes of the Schire: alſweill to Burgh, as to Landwart; And to conſtitute ane or twa Schireffe-deputes, of honeſt and zealous men, of beſt credite and power in the boundes within, or nixt adjacent to the ſaidis Burrowes, throw-faire Tounes and Paroche Kirkes, to put the effect of the ſaid act of Parliament in execution: Or gif the ſaidis Schireffes, or utheris Judges ordinar, beis found remiſſe or negligent: gives and grantis, full power, charge and authoritie, to the Miniſters, Elders and Deacons within the boundes of everie Parochin, or of ſa monie Parochines as will concur togidder, to nominate and elect ane, twa, three or maa perſones of the beſt habilitie, zeale and diſcretion, within the ſame Parochin or boundes, quhom his Hieneſſe makis and conſtitutis Juſtices and Commiſſioners in that parte, to the effect underwritten; Givand, grantand, and committand to them, conjunctlie and ſeverallie, full power, charge and authoritie, to execute the ſaid act of Parliament, concerning the puniſhment of ſtrang and idle beggares and vagaboundes, and proviſion for reliefe of the puir and impotent: And to that effect, to ſenſe and hald courtes, creat officiares, ſummound aſſiſe, ilk perſon under the paine of five pundes, un-lawes and paines, to take, up-lift, and raiſe; And for the ſame, gif neede beis, to poynd and diſtreinzie, and to the uſes conteined in the ſaid act applie; And generallie all and ſindrie uther thinges, to do, exerce and uſe, that to the full execution of the ſame acte of Parliament, within the ſaidis boundes, is neceſſarlie required. and in-caſe the ſaidis Judges ordinar, or their deputes, or the ſaidis perſones to be nominate and elect, as ſaid is, conſtitute Juſtices and Commiſſioners, be the authoritie of this preſent acte of Parliament, ſall happen to refuſe or delay, to accept and uſe the ſaid Commiſſion; Or having accepted the ſame, ſall be found remiſſe or negligent in execution thereof: they ſall incurre the paine and un-law appoynted, againſt Judges and Magiſtrates, be the ſaid act of Parliament: quhairupon dittay ſall be uptaken, and they called and accuſed therefore, at general Juſtice aires, or particular diettes; Or then letters ſall be direct, be deliverance of the Lordes of Councell and Seſſion; Chargeing alſweill the ſaidis Judges ordinar and their deputes, as the ſaidis perſones to be nominate and elected; and conſtitute Juſtices and Commiſſioners, be this preſent act of Parliament; upon the ſight of the acte and teſtimonial of their nomination and election: to put the ſaid act of Parliament to execution in all poynts: after the forme and tenour thereof, within fourtie daies, nixt after the charge; under the paine of rebellion, and putting of them to the Horne; And gif they failzie therein, the ſaids fourtie daies being by-paſt; to denunce the diſobeyares, rebelles, and put them to the horne: And to eſcheit and in-bring, all their movable guddes to his Hieneſſe uſe, for their contemption. And for the better tryall of commoun ſornares, vagaboundes, and maiſterfull beggares: feinzied fooles and counterfaict *Ægyptians:* And to the effect that they may be ſtill perſewed, quhill they be compelled to ſettle them at ſum certaine dwelling, or be expelled foorth of the Countrie: That the Schireffes and uther Judges ordinar, and their deputes, and uther Juſtices and Commiſſioners

miſſioners abone ſpecified, take inquiſition be inqueſt, at the head Courtes zeirlie, of the names and takens of them; And make denuntiation of them, to the nixt ordinar Judges and Parochinnes, in the four halfes about: As alſo to our Soveraine Lord, and his ſecreit Councell, within 40. dayes after the ſaids head courts, under the paine foreſaid.

148. *Quha ar fore-ſtallers and regraters: how they ſall be accuſed and paine thereof.*

FORSAMEIKLE As ſindry Acts of Parliament, hes bene maid for puniſhment of fore-ſtallers and regraters, being very pernitious members in the commoun weill: zit becauſe it hes not bene expreſſed quhat was foreſtalling and regrating: Therefore our Soveraine Lord, with adviſe of his Eſtaites, in this preſent Parliament: declaris, ſtatutis and ordainis, that quha ever buy, or cauſe buy, onie Merchandiſe, victuall, or uther thing cumming be Lande or Water, toward onie faire or mercat, in Burgh or in Landwart, to be ſauld in the ſame, from ony partes bezond Sea, or within the Realme: Or makis onie contract, or promiſes, for the having and buying of the ſame, or onie part thereof, before rhe ſaidis Merchandiſe, victualles, or uther thinges ſall be in the faire or Mercat-place, in Burgh, port or raide, reddie to be ſauld: or ſall make onie motion be word, writ, or meſſage, for raiſing of the prices, or dearer ſelling of onie of the thinges abone mentioned: Or elſe diſſwade or moove onie perſon cumming to the faire, Mercat or Town, to bring ony of the things abone mentioned, to the Mercat, fair or Town, ſall be eſteemed and judged ane foreſtaller: And quha-ever gettis in his poſſeſſion, in ony Fair or Mercat, onie corne, victuall, fleſh, fiſh, or uther vivers, that ſall be broucht to be ſauld, and ſellis the ſame againe, in onie Faire or Mercat, halden in the ſame place, or onie uther Faire or Mercat, within four miles thereof: Or quha gettis in his hand by buying, contract or promiſes, the growand corne on the field, ſall be repute a regratour. And becauſe there hes ſa little effect followed in the execution of the ſaid Act, be the Magiſtrats within Burrowes, to quhom the execution rhereof was committed: Therefore it ſall be lauchfull in time cumming, to OUR SOVERAINE LORDIS Theſaurer or Advocate, to call and perſew all perſones ſuſpect and delated of foreſtalling and regrating; in-caſe they ſall happen to prevene, be apprehending, intending and executing firſt, alſweill as the ſaidis Magiſtrates in Burrowes; And it ſall not be leaſum to the Magiſtrates within Burgh, to replege onie perſones challenged or perſewed be the Theſaurer or Advocate, before his Hienes Juſtice, or his deputes, at Juſtice aires, or particular diettes. And albeit there be na ſpeciall dittay, bot that the foreſtaller and Regratour, be onlie accuſed of commoun foreſtalling or regrating, ſa repute and halden: zit the libell in that generalitie, ſall ſtand relevant, and the perſones accuſed, to be put to the knawledge of ane aſſiſe: And gif they cum in will, or be convict be ane aſſiſe, for commoun foreſtalling and regrating of Mercattes: They ſall incurre for the firſt fault, the paine and un-law of fourtie pundes: And ſall finde ſovertie to abſteine in time cumming, under the paine of ane hundreth markes: And gif he fall againe in the ſecund fault, the principall, and his ſovertie, to in-cur and pay the ſaid ſumme of ane hundreth markes: And for the thrid fault, the offender being convict or cum in will, to tine and forefault all his moveable guddes, to be in-brocht to OUR SOVERAINE LORDIS uſe, as eſcheit: And that Juſtice courts or aires, for the effect foreſaid, be halden everie zeir twiſe.

149. *Againſt carriers of wooll, nolt and ſheepe foorth of the Realme.*

IT IS Statute and ordained, that na wooll, ſheepe nor nolt, be tranſported in *England*, under the paine of eſcheitting, not onelie of the ſaide wooll, ſcheepe, and nolt, quhilk ſall be fund paſſand to *England*: Bot alſwa of the haill moveabill guddes, of the actuall tranſporters, and als the Merchandes cauſſers & principall doers of the ſaid tranſporting, Albeit ſum laitelie they cauſe the ſame bee done be puir folkes, the ane halfe of the ſaidis eſcheittes to apperteine to the apprehender of the ſaids guddes and woll, in-caſe he may ſufficientlie verifie and try the ſame, and the uther halfe to our Soveraine Lord, and to be intrometted with be the wairdane, keiper, Schireffe, Stewart, or Baillie, quha ſall be comptable to his Majeſtie for the ſame; And furder, the ſaidis offenders, ſall be puniſhed in their perſones, be warding, for the ſpace of ſex Moneths, And utherwayes at his Hieneſſe pleaſure; Like as our ſaid Soveraine Lord, hes ſtatute & ordained, that it ſall be leaſum to ony Schireffe, Wairdane, keeper, or ony uther Barronne or Officiar, havand the Theſaurers power and direction; To ſtaie and arreiſt, take and apprehend the ſaids perſones and guddes, & to preſent them before the Wardane, Schireffe, Steward, Baillie or keeper; or bring them to *Edinburgh*, to be preſented to the Juſtice, or his deputes: and to underlie the Law, for the ſaid offenſe. Quhilk being tryed, the offenders ſall tine their haill moveable guddes, to be divided as ſaid is: and als ſall be puniſhed in their perſones, as is abone written, at the Kingis pleaſure, to the terrour of uthers; And theſamin penalties, to be extended againſt quhat-ſum-ever perſones within this Realme, that ſall ſell ony Nolt & Scheepe, to quhat-ſum-ever *Engliſh*-man or uther, ather abydand within the boundes of *England*, or that trafficquis within this Realme; It being tryed that the perſon byar of the ſame guddes, ſellis or tranſportis the ſame in *England*: And our Soveraine Lord, with adviſe of the ſaidis Eſtaites, annullis all licences, granted or to be granted hereof; And ordainis, that the penalitie of this Act, ſall ſtrike againſt the tranſgreſſoures thereof: Notwithſtanding the ſaid licences purchaſſed or to be purchaſſed.

150. *Deforcers or troublers of officiars, in execution of letters, foresaultis and tynis all their movables.*

OUR SOVERAINE LORDE, And his Estaites, conveened in this presen Parliament; For remeid of the daily hurts and injuries, received be officiares of armes, or Schiresses in that part, execütand letters or precepts in our Soveraine Lordis name and authoritie; Statutis and ordainis, that in-case ane officiar of armes, or Schiresse in that part, or uther person quhat-sum-ever, the time of the execution of ony summoundes, letters or precepts, direct be his Hienesse, or uther Judges within this Realme; Or in putting of decreetes to dew execution, be deforced in dooing of the same, or be molested, invaded or persewed, to the effusion of their bloud, be the person or persons, quhom they sall be vertew thereof summound or charge, Or ony uthers of their causing and command, the deforcers and persewers of the officiares, and utheris foresaidis, sall forefault, amitt and tine all and quhat-sum-ever their guddes and geare moveable: and the ane halfe thereof, sall apperteine to our Soveraine Lord, as escheitte: and the uther halfe to the partie, at quhais instance the saidis summoundes, letters and precepts ar direct and purchased: quhilk execution, Our said Soveraine Lord, and Estaites foresaidis, decernis and declaris to be lauchfull and ordourlie execute; Notwithstanding the said deforcement, and invasion of the saidis Officiares, and utheris abone written, to be committed in maner foresaid: The deforcement being first verified and provin.

151. *Concerning the relevancie of libelles, in causes criminall.*

ITEM, It is statute and ordained, seeing that diverse exceptiones and objectiones risis upon criminall libelles, and parties are frustrat of Justice, be alleged irrelevancie thereof: That in time cumming, all criminall libelles, sall conteine that the persones compleined on, ar airt and pairt of the crimes libelled; Quhilk sall be relevant to accuse them thereof; Swa that na exception or objection, take awaie that part of the libell, in time cumming.

152. *It is not leasum to un-freemen; Bot to Burgesses to excerce the trafficque of Merchandise.*

ITEM, For-sameikle as by diverse Lawes and Acts of Parliament it is statute and ordained that na person within this Realme, suld exerce the trafficque of Merchandice, bot the Burgesses of Free-Burrowes; Quhilkis have not bene, nor zit ar observed, be reason that there is na penaltie irrogat to the persones, contraveeners thereof; Therefore our Soveraine Lord, and haill Estaites of this present Parliament; Confirmis, ratifies and approvis the saidis Actes, constitutiones, and everie ane of them, with this addition; That quha-so-ever exercisis the said trafficque of Merchandise, not being free Burgesses: Their haill guddes and geare, sall becum in escheitte; The ane halfe to our Soveraine Lord, and the uther halfe to the Burgh, quhais Commissioner or Collectour sall first apprehend the same. And to the effect that the saidis escheittes may be up-lifted; his Majestie and Estaites foresaidis, gives and grauntis full power and authoritie, to everie ane of the saidis free-Burrowes, be themselves or their commissioner or collectour, quhom they sall have power to depute in that behalfe; To search and seeke the the guddes and geare of the saidis un-freemen trafficquers, to intromet there-with as escheit: and to deliver ane half thereof, to his Hienes Thesaurer, and the uther halfe to the Burgh, quhairof he sall be appoynted Commissioner or Collectour, quhidder it be within this Realme, or in ony uther part, quhair the same may be challenged: And to arreist the saidis guddes, call, follow and persew therefore, before un-suspected Baillies or deputes, quhom they sall have power to creat to that effect: and ordainis the ane halfe of the said escheit, to be intrometted-with, be the said Commissioner or Collectour, as said is, to be applyed to the commoun weill of the said Burgh, quha sall first apprehend the saidis escheitte guddes: Of the quhilk halfe of the saidis escheit guddes, there sall be zeirlie compt maid, as is appoynted of the commoun gudde of the Burgh: Providing alwayes that this present Act be not prejudiciall to Noble men, Barronnes, or uther Landed-men; to bring, or cause bring, or have Merchandise to their awin particular use and behoove; swa that they sell not the same, or make Merchandise thereof againe, to our Soveraine Lordis lieges. Quherein in-case the said Noble-men, Barronnes, and utheris abone written, be fund or apprehended culpable, they sall be reputed, halden, and esteemed, as un-free-men trafficquers: And it sall be leasum to the saidis free-Burrowes, or their Commissioner and Collectour foresaid, to intrometwith their haill guddes and geare, as escheitt; and dispone upon the same, as with the saidis un-freemens guddes, in maner ao ne written.

153. *Anent the taxation of Burrowes: Watching, and warding.*

ITEM, Seeing the taxation and stentes upon the Realme is multiplied, quhere-with the Burrowes are verie greatlie burdened: Therefore it is statute and ordained, that all maner of persones, inhabitantes of Burrowes, exerceand onie maner of trafficque, Merchandise, or having change within the same, sall beare their part of all taxes, stentes, and taxationes, watching, and warding, in all duties and services perteining

perteining to our Soveraine Lord, the weill of the Realme, and the utilitie of the Burgh; and that without onie reſpect to be had to onie Priviledge, diſcharge, or exceptiones, granted be our Soveraine Lordis Predeceſſoures; or be his Hienes ſelf, or to be granted in times cumming be his Majeſtie, or his Succeſſours, to quhat-ſum-ever perſon, or perſones, of quhat-ſum-ever qualitie, or for quhat-ſum-ever cauſe. And ordainis this to have execution againſt all perſons, exerceand the trafficque of Merchandiſe, or uther chango, in onie of the Burrowes of this Realme, whidder they be admitted Free-burgeſſes therein, or not: Providing alwayes that it ſall be leaſum to his Hienes, notwithſtanding of the ſaid Act, to exeeme from the ſaides taxations, watching and warding, ane perſon of ilk craft, for his Hienes particular uſe and ſervice, in-caſe his Majeſtie finde it gude and expedient to be done. And ſik-like, that this Act be not prejudiciall to the members of the Colledge of Juſtice, and to their priviledges and immunities granted unto them, or whereof they have bene in uſe in times by-gane.

154. *Exerciſe of craftes, within ſub-urbs adjacent to Burrowes, is forbidden.*

ITEM, For-ſa-meikle as the exerciſe of craftef-men, in the ſub-urbes of the free-Burrowes, is not onlie hurtfull to all our Soveraine Lords lieges for the in-ſufficiencie of the wark: bot alſo miniſtratis great occaſion to Prentiſes and ſervands in free-Burrowes, un-dewtifullie to leave their Maiſters, and to remaine and abide in the ſaides ſub-urbes, thereby ſubſtracting themſelves, fra the juriſdiction of the Proveſt and Baillies of the ſaides Burrowes. And als the free craftef-men, reſident within the ſaidis Burrowes, are greatlie damnified, ſeeing they beare ane great part of the charges of the Burgh, and the advantage of the wark, that ſuld relieve them is drawen away to the ſaidis ſub-urbes: Therefore our Soveraine Lord, and haill Eſtaites of this preſent Parliament, ſtatutis, declaris and decernis that in all time cumming, there ſall be na exerciſe of craftes in the ſub-urbes adjacent to the ſaidis Burrowes: Bot that the ſamin ſall ceaſe in all times hereafter; And that it ſall be leaſum to the Proveſt and Baillies of the ſaidis Burrowes, and their deputes and officiares, to intromet with all the warkes that ſall be found wroucht, or in working: quhidder the materialles thereof apperteine to the craftef-man himſelfe, or to quhat-ſumever perſon, and to eſcheit the ſamin, to be applyed to the commoun warkes of the Burgh nixt adjacent to the ſaids ſub-urbes.

155. *Againſt granting of reſpettes and remiſſiones.*

FOR Furthering of the puniſhment of ſlauchters, fire-raiſinges, and utheris odious crimes, committed in diverſe partes of the Realme, thir ſindrie zeares by-gane, upon ſet purpoſe and fore-thought fellonie, to the offenſe of God, and contempt of our Soveraine Lordis authoritie: His Hieneſſe followand the lovable exemple of his maiſt Noble Progenitoures, in like caſes, of his ſpeciall favour, and at the inſtant requeſt of his Eſtaites, at this preſent Parliament grantis, and in the word of a Prince, faithfullie promittis, that he ſall cloſe his handes, and ceaſe fra granting onie reſpites, or remiſſiones, for ony maner of ſlauchter, fire-raiſing, or uther odious crimes, that ſall be committed, upon auld feed, and fore-thoght fellonie, for the ſpace of 5. zeires nixt-to-cum, after the dait hereof: that in the meane time, the Realme may be put in peace, and his Lieges maid to live in ſovertie, except the ſaid reſpit or remiſſion ſall be craved to the offender, be the wife, bairnes or neareſt friende, of the perſon that hes received the offenſe: Or that a ſufficient letter of ſlaines, ſeene and perfitelie conſidered be his Hienes Councell; And gif ony reſpite or remiſſiones ſall happen to be granted for auld actions, that it be expreemed in the ſame, that the treſpas was committed, before this preſent Parliament; And that his Hieneſſe and his Councell, hes ſeene quhair the partie is aſſythed: utherwayes declaris the ſame reſpite or remiſſion, to be null, and of nane availl. And incaſe ony ſik remiſſiones or reſpittes (as God forbid) ſall happen to be granted and paſt: Ordainis and commandis his Hieneſſe Juſtice, Juſtice-Clerke, and their deputes, to proceed and do Juſtice upon the perſones uſers thereof: Notwithſtanding the ſaidis remiſſions and reſpittes, as git the ſamin had never bene granted or produced: And ordainis all perſones, that hes alreadie obteined reſpittes, for the ſaidis crimes, ſen his Hieneſſe accepted the governement of the Realme in his awin perſon, to be called to underly the Law for the ſame: At the inſtance of the partie offended, gif they pleaſe to perſew. And althoucht they inſiſt not, at the inſtance of his Hienes Theſaurer and Advocate: and the perſones compeirand offenders, and uſand the ſaidis reſpittes or remiſſions, to cauſe them finde gude and reſponſall ſoverties, acted in the buikes of adjournall, for ſatiſfieng of the partie, as Law will, at the modification of the Lordes of Councell and Seſſion, quhome his Hieneſſe ordainis and commandis to proceede and Miniſter up-right Juſtice in modifieng of condigne and ſufficient aſſyithmentes of the ſaidis ſlauchters, and uther odious crimes, according to the gravitie and circumſtances thereof, as they will anſwer to God and his Hieneſſe there-upon; And for the furtherance thereof, that his Hieneſſe Theſaurer and Juſtice-Clerke, cauſe collect the names of all perſones, that hes gotten reſpittes or remiſſiones for ſlauchters, or uthers odious crimes, ſen his Hienes acceptation of the Governement in his awin perſon, and preſent the ſame to his Hieneſſe, and his privie Councell, with all expedition.

156. *Againſt*

155. *Againſt tranſporting of skinnes foorth of the Realme.*

OUR SOVERAINE LORD With adviſe of the Eſtaites, inhibitis and diſchargis, all and ſundrie merchandes, trafficquers, and utheris his Hieneſſe Lieges quhat-ſum-ever; Of all tranſporting and carrying foorth of this Realme, of Calve-skinnes, huddrounes, and Kid-skinnes, packing and peilling thereof, in time cumming, under the paine of confiſcation of the ſame to his Majeſties uſe; Commanding his Majeſties Cuſtomer and Searcher, to ſearch and ſeek the ſaidis skinnes; And in-caſe onie beis foundin tranſporting, to intromet there-with, and in-bring the ſame to his Hieneſſe uſe. And ordainis letters to be direct, for publication thereof, in forme as effeiris.

156. *Concerning the ſtreetes and paſſages of Burrowes.*

OUR SOVERAINE LORD And the Eſtaites of Parliament, ratifies, apprievis and confirmis the act of Parliament, maid be Queene *Marie*, Dowager of this Realme, in the moneth of *Junij*, the zeir of God; ane thouſand, five hundreth, fiftie five zeires; Intitulat, *Anent the commoun paſſages to Burrowes:* Be the quhilk it was ſtatute, that all commoun hie-gates, that free Burrowes hes bene in uſe of, proceeding ather for paſſage fra their Burgh, or cumming thereto: And in ſpecial, all commoun hie-gates, fra free dry Burrowes, to the Portes and havens, nixt adjacent, or proceeding to them, be obſerved and keeped: And nane make them impediment or ſtop there-intill; And gif onie dois, to be called and accuſed for oppreſſion, and puniſhed therefore, according to the Lawes; as in the ſaid act at mair length is conteined: Quhilk act, with the haill clauſes and conditiones thereof, his Majeſtie with adviſe foreſaid, willis that the ſamin ſall be halden, as expreſſed herein: And to put to dew execution in all time hereafter, with thir additiones following.

THAT For-ſameikle as it is ſufficientlie underſtand be his Majeſtie, that diverſe malicious perſons, upon deliberat malice, ſtoppis and impedis publick paſſages, perteining to free Burrowes, within this Realme; namelie to the Portes, quhilkis hes greateſt occaſion of trafficque, be caſting of fowſies, and bigging of dikes, for inter-cloſing of the ſaidis common paſſages, and will not ſuffer the inhabitantes of the ſaidis Burrowes, and uthers his Hienes Lieges, and trafficquers towards the ſaidis ſea-portes: to have, or frequent the accuſtomed paſſage uſed of before, in tranſporting of victualles, fewalles, vivers, merchandiſe, and uthers, for entertainement of the commoun negotiation of the cuntrie: bot compellis them to pas ane mile or twa about, to the great hurt and prejudice of the ſaidis Lieges. HEIRFORE his Majeſtie with adviſe foreſaid, in corroboration of the ſaid former Act, and to the effect that the ſamin may be put to full execution in time cumming; Statutis and ordainis that nane preſume, or take upon hand hereafter, to ſtop, or impede the ſaids publick and common paſſages, perteining to the ſaidis free Burrowes, and namelie to the ſaidis Sea-portes. And gif onie ſall happen to doe in the contrarie, the parties grieved ſall have their recourſe to the Lordes of Councell and Seſſion, quha ſall grant ſummar letters in their favoures, upon ſex daies warning allanerlie, to cauſe and compell the committers of the ſaid oppreſſion, to deſiſt and ceaſe therefra: and to heare and ſee themſelves decerned to have done wrang, in ſtopping of the ſaids paſſages: and to finde caution, acted in the ſaidis Lords buikes, under ſik paines, as ſall bee modified unto them, never to commit the like wrang be themſelves, their men, tennents, or ſervandes, and uthers quhom they may let: the ane half of the ſaid penaltie to appertaine to his Hienes, and the uther half to the partie grieved; And the probation of the ſaid wrang in ſtopping of the ſaidis paſſages, to be received by famous witneſſes allanerlie, and not by ane aſſiſe: And the tryall thereof to apperteine to the ſaidis Lordes of Councell, and all utheris inferiour Judges, to be diſcharged fra proceeding in the ſaids cauſes: Notwithſtanding ony quhat-ſum-ever ſtatute or conſtitution, maid anent moleſtationes, in propertie or commontie; In number quhairof his Hieneſſe will nawaies that the ſaidis oppreſſiones and ſtaying of publicke paſſages, ſall be comprehended; And ordainis publication to be maid hereof, in forme as effeiris.

157. *Concerning certaine abuſes in the Admiralles proceeding.*

FORSAMEIKLE As it is heavelie compleened, be the haill Burrowes of this Realme; That they and the haill tounes, lyand upon the Sea Coaſt, have bene greatlie oppreſſed be the Admirall, taking ane cullor upon the new infeftment, maid to *Frances*, ſum-time Erle *Both-well*, of the ſaid Admiralitie; In the quhilk infeftment, there is ane great number of ſtrange clauſes, quhilk were never conteined in ony infeftment, given to ony Admirall of before; For the repreſſing of the quhilk oppreſſion; It is ſtatute and ordained be our Soveraine Lord, and the Eſtaites of this preſent Parliament; That the Admirall of this Realme, and his Succeſſors in time cumming, exerce nor uſurpe na juriſdiction; neither yet exact nor crave onie kinde of dewtie, eſcheit, nor caſualitie; Bot according to that, quhilk was uſed to be exerciſed or taken be the Admirall, for the time, before the deceaſe of King JAMES the Fifth, of noble memorie; Notwithſtanding, ony greater ſpecialitie conteined in ony of the ſaidis Admirallis infeftmentes, by-gane or to-cum.

158. *It is leasum to laik patrones to dispone their Prebendaries and Chaplanaries to studentes: Benefices of Cure, perteining to the saidis patrones, and served be Ministers, payis na thrid.*

OUR Soveraine Lord and Estaites, presentlie conveened in Parliament, ratifies and apprievis the Act of Parliament, maid in his Hienesse minoritie, and first zeare of his raigne, upon the fiftenth day of *December*, the zeir of God, ane thousand, five hundreth, threescore seven zeires: Intitulat *anent the dispositon of Provestries, Prebendaries, and Chaplanaries to bursares, to be founded in Colledges, perteining to laick Patrones;* And willis and declaris, that the haill poyntes, artickles and provisiones, conteined in the said act, sall be halden as expressed herein, with this addition; That the saidis Bursares, studentes and titulars, lauchfully provided to the saidis Prebendaries, Chaplanaries, sall bruik, joyis and possesse in all time hereafter: Like as they had sufficient richtes to bruik, sen the dait of their provisiones; The haill rentes, profites and emolumentes, conteined in the auncient foundationes, maid be the said laick patrones; notwithstanding quhat-sumever provisiones, or particular use, to the quhilk the haill, or ane part of the same, war destinat, used or bruiked, in time of *Papistrie*, and before the Reformation of Religion: And notwithstanding quhat-sum-ever act, statute, constitution, disposition, gift or presentation following there-upon, maid be his Hienesse at onie time heretofore: Like as his Majestie, with advise of the saidis Estaites, and haill bodie of this present Parliament, expresselie declaris, that it was never his Majesties intention, ather to prejudge the saidis laick Patrones, in their Parsonages: or the Person provided to the saidis Prebendaries and Chaplanaries, of ony part of the fruites and emolumentes, conteined in the auncient foundationes, maid be the said laick Patrones; Bot as before, heartelie requestis the saidis Patrones, to dispone and present their saidis Chaplanaries and Prebendaries, to sufficient and qualified Persones, as they wald godlinesse and gude letters to flooriſh within this Realme, to Gods glorie, and profite of this age, and the posteritie. And attour, our Soveraine Lord, and his Estaites in Parliament, declaris, that the Benefices of Cure, being laick Patronages, provided to Ministers actuallie serving, and making residence at the proper Kirkes of the same Benefices, sall not be subject in time cumming, to the payment of ony thriddes, foorth of the same: bot the same thriddes, to be reteined be them, as a part of their awin living and stipend.

159. *Annexation of the landes and annualles, mortified to the Ministers and Hospitall of* Edinburgh.

OUR Soveraine Lorde, now after his perfite age of twentie five zeires compleit, with advise of his Estaites in Parliament, ratifies and apprievis the donationes and mortificationes, maid be his Hienesse umquhile deareſt Mother, in her perfite age, and be his Hienes at diverse times, of the landes, Benefices and rentes, doted for sustentation of the Ministerie within the Burgh of *Edinburgh*, and interteining of the Hospitalles thereof; And speciallie, of all landes, annualles, and tenementes, lyand within the freedome of the said Burgh, founded to quhat-sum-ever Benefice; And of all landes and annualles, lyand outwith the libertie of the said Burgh, annexed to ony Benefice, Prebendarie, or Religious place, situate within the free-dome of the said Burgh. And OUR SOVERAINE LORD, for his pitifull zeale, quhilk he hes to the sustentation of the Ministerie and Hospitalles within the said Burgh, with advise of his saidis Estaites of Parliament, now after his perfite age of twentie five zeires compleit; hes of new annexed to the Communitie of the said Burgh, and their Successoures, in favoures of their Ministery and Hospitall; All and haill the saidis Lands and tennements, annual-rents, profits and emoluments foresaids: Few-fermes, mailles and dewties thereof; And surrogatis them in the full richt of all landes, annual-rentes, and emolumentes, situate within the free-dome of the said Burgh: Quhilkis perteined of before, to quhat-sumever Bishop, Abbot, Prior; Or quhat-sumever Eccleſiasticall person within this Realme; And ordainis an new infeftment to be exped thereupon, for their securitie, gif it be thought expedient; And for the said godlie effect, his Hienes dissolvis the generall annexation in that part; in sa far as the samin may appeare to be extended to onie of the premisses, or to the annexation maid of before, in favours of the said Colledge and Hospitall, of *Dumbarny*, quhairof the Kirk of *Potie* and *Moncreiſe* ar pendickles, lyand within the Schireffedome of *Perth*: The Parsonage of *Curry*, and the ane halfe of the Vicarage thereof, perteining to the Arch-deane of *Louthiane*: The landes, annual-rentes, houses, zairdes and Bigginges of the *Trinitie* College, situate within the said Burgh of *Edinburgh*, alsweill perteining to the Provest, as to the Prebendars thereof, and commoun landes, and annual-rentes of the same. Quhilk annexation, his Hienesse with advise of his saidis Estaites in Parliament, ratifies and apprievis: As als his Majestie, with advise of his saids Estaites, of new annexis the uther halfe of the Vicarage of *Curry*, to the quhilk na person is provided: And the haill Vicarage of the said Kirk of *Dumbarny*, quhilk alswa vakis be deprivation of N. N. last possessour of the same; To remaine with the Provest, Baillies, Councell, and communitie of the said Burgh, and their Successoures in time cumming, for sustentation of their said Ministerie and Hospitall. And our Soveraine Lord, and Estaites foresaidis, decernis and declaris, that nane of their particulars before written, disponed of before, and newlie annexed, for sustentation of the said Ministerie and Hospitall, were, ar, or sall be ever comprehended in the generall Annexation of the Eccleſiasticall lands and rentes to the Crown; Bot were, ar, and sall be excepted therefra: Like as his Majestie and Estaites foresaidis, of new exceptis the samin, not onelie fra the said annexation: bot fra his Hienesse revocation, maid in

time by-paſt, or maid in this preſent Parliament; And declaris alſwa, that the ſaidis Proveſt, Baillies, Councell and communitie, and their Succeſſoures, in all time cumming, hes, and ſall have ſik full richt of propertie and ſuperioritie of the foreſaidis landes, annuall-rentes and revenues, tennentes and tennendries and ſervice of free-tennentes thereof: as had the Biſhoppes, Abbotes, Priors, Friers, Monkes, Nunnes, Chaplanes, and Prebendares, to quhom the ſaidis landes and annuall-rentes, perteined of before: Notwithſtanding, ony acte or conſtitution, preceeding the dait hereof.

FINIS.

ANE TABLE

Of the PARTICULAR ACTES and utheris, maid be KING JAMES the Sext, in this twelfth Parliament, the fifth of Junij; 1592. zeires, not imprented.

1 *Commiſſion anent the Miniſters ſtipendes.*
2 *Exception in favour of* Adam, *Biſhoppe of* Orkney.
3 *Commiſſion for reparation of Hoſpitalles.*
4 *Anent the bigging of ane ſecond Kirk, within the Parochin of* S. Andrewes.
5 *For apprieving of the Kirk, bigged be* John Schaw *of* Greenok.
6 *The union of the Kirk of* Forteviot, *to the auld Colledge of* Saint-Andrewes.
7 *The diſſolution of the Deanrie of* Reſtal-rig.
8 *Ratification of the penſion granted to* John Durie, *his wife and ſonne.*
9 *Ratification of the manſe of the Miniſter of* Pettin-weeme.
10 *Commiſſion anent the locall ſtipendes of Miniſters.*
11 *Commiſſion anent the ryding in Parliament.*
12 *For furthering of the Kingis commoditie be the mines and mettalles.*
13 *Ratification of the Kingis revocation.*
14 *Anent the payment of Burrowe mailles.*
15 *Annexation of* Kelſo *and* Coldinghame.
16 *Anent the nomination and eſtabliſhing of our Soveraine Lords privie Councell.*
17 *Anent the Kingis Chappell Royall.*
18 *Commiſſion anent the examination and imprinting of the Lawes of this Realme.*
19 *Ratification of the contract of mariage, betuixt the King, and Queenes Majeſties, and of her inveſtmentes paſt thereupon.*
20 *Approbation of their ſervice, quha accompanied his Majeſtie to* Norway *and* Denmark.
21 *Ratification of the proceeding of the Earle* Marſchell, *and uthers direct to* Denmarke, *to treat the ſaid Mariage.*
22 *Ratification to the Laird of* Barne-Barrow, *and Maiſter* Peter Young, *and of their proceeding in the ſaid Mariage.*
23 *Preſcription of the Act of repoſſeſſion.*
24 *Act annulling the bandes and contractes of perſones, being put in captivitie.*
25 *Ratification of the Commiſſariote of* Edinburgh.
26 *Ratification of the Burgh of* Hadingtoun.
27 *Of the Hoſpitall of* Perth.
28 *For the bigging of the Tolbuith of* Clack-mannan.
29 *Erection of the Toun of* Scraling, *in ane Burgh of Barronnie.*
30 *Changeing of the Faire of* Dornoch.
31 *Act in favour of the Burgh of* Anſtruther, *bezond the* Burne.
32 *In favour of the Burgh of* Cul-roſſe.
33 *Ratification of the exceptiones from the generall Act of Annexation.*
34 *Declaration to the Earle of* Angus, *anent his honoures.*
35 *Ratification of ane contract, betuixt the King, and the Earle of* Angus.
36 *Ratification to the Duke of* Lennox, *of the ſuperioritie of the Priorie of* Saint-Andrewes.
37 *Ratification of the Earledome of* Orknay, *to the Earle thereof.*
38 *Ane uther to the Earle of* Gowrie, *of his inveſtment.*
39 *Item to him, of the Abbacie of* Scone.
40 *To the Earle of* Mont-roſe.
41 *To the Maiſter of* Mont-roſe.
42 *To the Lord* Lindeſay.
43 *Of ane Penſion out of* Quhite-horne, *to my Lord of* Spynie.
44 *To the Maiſter of* Drummound.
45 *Anent the Temporalitie of* Paſlay.
46 *In favour of the Commendatar of* Mel-roſe.

47 *Ratification to* Arche-bald Dowglas, *ſon to the Commendatar of* Mel-roſe.
48 *To the Commendatar of* Kinloſſe.
49 *To the Commendatar of* Lundoris.
50 *To the Lord of* New-bottle.
51 *To the Lord of* Urquhart.
52 *To* John Colvill, *Sonne to the Commendatar of* Culroſſe.
53 *To* William, *Commendatar of* Tung-land, *anent the Temporalitie of* Kilvinning.
54 *To the bairnes of umquhile*, *Sir* Lewes Bellenden *of* Auchinnowll, *laite Juſtice-Clerke.*
55 *To the bairnes of umquhile the Laird of* Segey.
56 *To Maiſter* David Chalmer *of* Ormond.
57 *To* Alexander Hoome *of* North Berwike.
58 *To Sir* Robbert Mal-vill *of* Murdocarny *Knight*, *Theſaurer.*
59 *To* Andrew Mal-vill *of* Garvok, *Maiſter-houſholde.*
60 *To the Laird of* Tullibardin, *Maiſter-houſholde.*
61 *To the Laird of* Ormeſtoun, *Juſtice-Clerke.*
62 *To Sir* John Carmichaell, *of that ilk*, *Knight*, *Maiſter of the Stable.*
63 *To the ſaid Sir* John *concerning the lands of* Lang-Hirdmeſtoun.
64 *To Maiſter* Gilbert Moncreif, *Medicinar to his Majeſtie.*
65 *To Maiſter* George Young, *Arche-deane of* Sanct-Andrewes.
66 *To Sir* George Hoome *Knight.*
67 *To* John Gib.
68 *To* John Chiſholme.
69 *To Maiſter* Henrie Keir.
70 *To the aires of* Eupheme Mak-kalzane.
71 To David Cunninghame *of* Robert-land.
72 *To the Ladie* Aicket.
73 *To the Laird of* Ceſ-furde.
74 *To the Laird of* Pettarrow.
75 *To the Laird of* Findlater.
76 *To the Laird of* Buquhollie.
77 *To the Laird of* Largo.
78 *To the Laird of* Baſſe.
79 *To the Laird of* Vrie.
80 *To the Laird of* Eſſil-mont.
81 *To* James Boyde *of the* Kippes.
82 *To* Gawin Hammiltoun *of* Roploch.
83 *To* Nicoll Cairn-croce *of* Calfe-hill.
84 *To* James *and* John Murrayes.
85 *To* Walter Scot *of* Tuſſchielaw.
86 *To* Frances Borthwicke *in* Ballincreif.
87 *To Sir* Alexander Hoome *of* Snuik *Knight.*
88 *To* John Hoome *of* Sleg-den.
89 *To* Thomas Meinzeis *of* Durn.
90 *To* James Hammiltoun *of* Liber-toun.
91 *To* George Hammiltoun *of* Preſtoun.
92 *To* Williame Hoome *of* Baſſindene.
93 *To* John Schaw *of* Broich.
94 *Of ane band of man-rent to the Laird of* Black-wood.
95 *To* John Andro *Clerk of the ſecreet Councell.*
96 *To* William Wylie *Writer.*
97 *To the Clerk of Regiſter*, *and Maiſter* John Hay *his ſonne.*
98 *To the Earle of* Murray *ane* Super-ſedere.
99 *To my Lord* Thirle-ſtane, *Chancellar.*
100 *To the Earle of* Murray *of his infeftmentes.*
101 *To the Lord* Ding-well.
102 *To the Laird of* Leie *zounger*, bis.
103 *To the Lord* Sea-toun.
104 *To* John Levingſtoun *of* Aber-korne.
105 *To the Commendatar of* Petten-Weeme.
106 *To the Lord* Boyde.
107 *To the Earle of* Mortoun.
108 *To the Lord* Zeſter.
109 *To the Laird of* Duniepace.
110 *To* George Sinclar *of* Maij.
111 *To* Martene Ellot.
112 *To my Lord of* Spynie *for his infeftment.*

FINIS.

THE THRETTENTH PARLIAMENT,

Halden at Edinburgh, *the XXI day of Julij, the zeir of God, aue thousand, five hundreth, fourscore threttene zeires. Be the richt excellent, high, and michtie Prince, JAMES the Sext, King of SCOTTES; And three Estaites of the Realme.*

159. *Mercattes and Faires ar forbidden on the Sabboth-day.*

OUR SOVERAINE LORD, With advise of the Estaites of this present Parliament, ratifies and apprievis the Actes maid anent the dischargeing of Faires and Mercattes, halden on Sabboth-dayes; And becauſe the ſamin Actes in manie reſpectes, ar na-wayes obſerved in Land-wart; THEREFORE His Majeſtie, with adviſe foreſaid, expreſlie commandis and chargis, all Schireffes, Stewardes, Baillies, Proveſtes, and Baillies of Burrowes; And all uthers quhom it ſall pleaſe everie particular Presbyterie to nominate, within their awin bounds, to that effect; To diſcharge, remoove, and put awaie all Faires and Mercattes, halden on Sabboth-dayes, as they will anſwere to his Majeſtie; And in-caſe they be found negligent, ordainis letters of horning, upon an ſimple charge of ten dayes to be direct, to charge them thereto, at the inſtance of the ſaid Presbytery.

160. *Contemners of the decreetes of the Kirk, ſuld be denunced Rebelles.*

FORSAMEIKLE As the Kingis Majeſtie, with adviſe of his Eſtaites in Parliament, hes confirmed and eſtabliſhed, the juriſdiction and judicatours of the Kirk, in the generall and Synodall aſſemblies, Presbyteries, and particular Seſſiones of everie Kirk and Paroche, willing and ordaining their ſentences and decreetes, in maters perteining to their judicatour, to be put in execution, and take full effect: And it is of veritie, that a number of obſtinat and ſtubborne people, in diverſe Paroches of this Land, hath contemned, and daylie contemnis the ſentences and decreetes of the ſaidis aſſemblies and judicatoures of the Kirk; Namelie in Land-wart Paroches, quhair there is little, or na concurrence of Magiſtrates, to puniſh obſtinat and diſobedient perſones: And the ſaid Kirk having na uther puniſhment in their handes bot Spirituall; the quhilk the ſaid obſtinate people (being altogether fleſhlie and beaſtlie) feelis not, nor ſettis not by. Therefore OUR SOVERAINE LORD, With adviſe of the ſaidis Eſtaites, for remeid hereof, hes ſtatute and ordained, that in-caſe ony of his ſubjectes within this Realme, refuſis to obey the ordinances and decreetes of the ſaidis Aſſemblies and judicatoures of the Kirk, in ony time to cum, the ſaidis Aſſemblies and judicatoures, ſall direct their Bedle to the perſone or perſonnes diſobedient, chargeing and commanding them in the name of God and the King, to obey their decreete and ordinance: The quhilk charge, gif the ſaid perſon or perſones contemne, and remaine obſtinat; The Miniſter of the Paroche, quhair the ſaid perſon or perſones remainis, ſall three ſeverall Sabboth-dayes from Pulpit, charge and command the ſaid perſon or perſones, in the name of God and the King, to obey the ſamin ordinance and decreete: And in-caſe notwithſtanding, all the ſaidis charges, the ſaid perſon or perſones remainis ſtill obſtinate and rebellious; Then ſall the ſaide Aſſemblie or judicatoures, quhilk hes maid the ſaid ordinance and decreete, meane the mater be their ſupplication, to the Lordes of Seſſion, conteining the ſubſtance of the Proceſſe, the ſentence and decreete pronunced againſt the ſaidis perſone or perſones, with a complaint of their contempt and diſobedience: Quhair-upon the partie compleined on, being firſt cited and heard to propone their lauchfull defenſes, in-caſe they compeir: And gif they compeir not, *propter contumaciam*, The ſaidis Lordes of Seſſion, or ſecreit Councell, ſall give out letters, to put the ſaid perſon or perſones to the horne, within ten dayes nixt after the charge, in-caſe of diſobedience, and continuing in their former contempt and rebellion.

161. *Miniſters glebes ſuld be deſigned foorth of onie Kirk-landes.*

ITEM, It is ſtatute and ordained, quhair there hes bene na glebe of auld, or quhair hes bene ſum of auld, zit it be farre within the quantitie of four aikers of Land, that the deſignation be maid of the Parſon, Vicar, Abbot or Prioreſſe Landes: And failzieng thereof, out of the Biſhoppis landes, Friers landes, or ony uther Kirk-landes, lyand within the boundes of the ſaid Paroche, ay and quhill foure aikers of land be compleit.

ITEM.

ITEM, That the ſaidis glebes be deſigned with free-dome of foggage, paſtourage, fewall, faill, diffat, loning, frie iſchue and entrie, and all uthers priviledges and richtes, according to uſe and woont of auld.

162. *Miniſteres ſtipendis ſuld be free of all impoſitiones.*

FORSAMEIKLE As ſindrie Miniſteres, quha hes bene in lang poſſeſſion of their ſtipends, be vertew of their aſſignationes, are troubled be penſioners or tackiſmen, quha hes tane in tack, gift, or penſion ather their haill ſtipends, or ane great pairt thereof, and hes obteined ratification in Parliament thereupon.

THEREFORE, Our Soveraine Lord, with adviſe of his Eſtaites of this preſent Parliament; Ordainis that all Miniſteres ſtipends in time cumming be frie from all tackes, penſiones, taxationes, or impoſitiones quhat-ſumever, notwithſtanding of onie gift or diſpoſition maid in the contrair: to the effect that the Miniſters may bruik their ſtipends peaceably in all time cumming, without ony trouble, according to their aſſignation.

163. *Anent diſpoſitions of benefices granted to Miniſteres.*

FORSAMEIKLE As the Miniſters ſerving the cure within this Realme, being lauchfullie provided to Parſonages and Vicarages, and annexed and perteining of before to prelacies; hes bene this time bygane fruſtrat of the rentes and fruites of the ſame: Notwithſtanding the lauchfull proviſiones and aſſignationes thereto: For remeid quhairof, and to the effect that the haill Parſones, ſerving the Cure of Miniſterie within this Realme, may peaceablie bruik and poſſeſſe their benefices of Parſonages and Vicarages of their awin Kirkes, fruites, rentes and emolumentes thereof, in all time cumming; Conforme to their Proviſion and aſſignation of the ſamin; to remaine wi h them and their ſucceſſoures, ſerving the Cure, as ſaid is: It is ſtatute and ordained, that all gifts, proviſiones, and aſſignationes, diſponed to the Miniſters, ſerving the Cure of the Parſonages, Vicarages, and Kirkes thereof; Is and ſall be, now, and in all time cumming, valiable and ſufficient richtes and titles to them, and everie ane of them: For bruiking, joyſing and poſſeſſing of the ſame; and intrometting with the fruites, rentes and dewties thereof, in time cumming, ratifiand and approvand the ſame: Notwithſtanding quhat-ſum-ever act or conſtitution maid in the contrair: But prejudice allwaies of quhat-ſum-ever particular pairties richtes; And ſpeciallie the Queenes Majeſties Kirkes of *Dumfermeline*.

164. *Anent the ſayers of* Meſſe, *and receipters, Or interteiners of excommunicat* Papiſtes.

ITEM, It is ſtatute and ordained, that in-caſe in time cumming, onie perſon or perſones ſay *Meſſe*, or receipt and intertaine willingly, be the ſpace of three nightes togidder, or three nightes at ſeveral times, excommunicate *Jeſuites*, or trafficquing *Papiſtes*, againſt the Kingis Majeſtie and Religion, preſentlie profeſſed and eſtabliſhed within this Realme: The ſamin being dewlie and lauchfullie tryed, ſall verifie and infer the deede to have bene of the knawledge and gud-will of the perſon or perſones accuſed therefore: Quha being convict of the premiſſes, or ony of them; their eſcheitte, for the firſt fault, ſall fall and becum in his Majeſties handes, and ſall be intrometted-with, to his Hieneſſe proper uſe: And being convict thereof the ſecund time, ſall amit and tine their life-rent, of quhat-ſum-ever their landes, poſſeſſiones, utheris guddes and geare: And being accuſed and convict therefore the thrid time, ſall incurre the paine of treaſon, and the proces and doome of forefaltour, ſall be ordourlie led, pronunced and execute againſt them, with all rigour.

165. *Na particular acte of Parliament, ſall prejudge the Miniſters in their livinges.*

OUR SOVERAINE LORDE, With the adviſe of the Eſtaites of this preſent Parliament, having conſideration how that the Miniſters Provided to Eccleſiaſtical functiones and livinges of the Kirk, and ſerving the cure thereat, hes bene and may be in time cumming heavilie prejudged in their ſaidis Eccleſiaſticall livinges and rentes thereof, be ſpecial actes and conſtitutiones, maid in favour of certaine particular perſones: For remeid thereof in time cumming, hes ſtatute and ordained, that quhat-ſum-ever acte or conſtitution of Parliament in time cumming, after the dait hereof, be maid in favour of ony particular Perſon, quhairby the proviſion of ony Miniſters livings, may be tane awaie, or in onie wiſe prejudged, directlie or indirectlie, in their ſaidis proviſiones, rentes and profites thereof, or ony part of the ſamin; that the ſamin ſall be in all times cumming, null and of nane availe, force nor effect: Except the ſaidis Miniſters be called upon their proviſiones, and the ſamin in haill or in part, reduced before the Judge ordinar.

166. *Additiones to the paines of Law-borrowes.*

IT Is ſtatute and ordained, be OUR SOVERAINE LORDE, and the three Eſtaites, that in time cumming, the paines and unlawes of Law-borrowes, or for none-againe-bringing of letters to the

Juſtice Clerke and his deputes; or for none-compeirance before the Juſtice after ſovertie founde; ſall bee for everie Erle or Lorde, twa thouſand pundes: For everie great Barronne, ane thouſand pundes: For everie Free-halder, ane thouſand Markes: For everie Fewer, five hundreth Markes: For everie Zeaman-man, ane hundreth Markes: For everie Gentle-man un-landed, twa hundreth Markes: Of ilk perſon ſummoned to pas upon Aſſiſe before the Juſtice, ane hundreth Markes: And that the Juſtice Clerke and his deputes, receive ſovertie, according to the ſaidis paines in time cumming, and na uther-waies: as they will anſwere upon the dewtie and execution of their offices. And the ſaids paines of Law-borrowes, to be divided equally, betuixt the King and the partie offended unto; conforme to the act maid there-upon of before. And that the un-law of all perſones arreiſted, and not compeirand at the firſt Juſtice aire, over all the Realme in time cumming, ſall be twentie pundes.

167. *Annual-rentes payed out of the Kingis Propertie; to Eccleſiaſtical perſones, after their deceaſe, ſall returne to the Crown.*

IT Is ſtatute and ordained be OUR SOVERAINE LORD, and his Eſtaites in this preſent Parliament; That after the deceaſe of the preſent poſſeſſour of the Prelacies, and uther benefices within this Realme; the annual-rentes payed there-unto, out of the Burrow-mailles, cuſtomes, and utheris rentes of the propertie, to remaine with his Hieneſſe and his ſucceſſoures, as a part of the patrimonie of the Crowne: And nane that ſall happen to be provided in title to the ſaidis Prelacies, or uther inferiour Benefices, ſall have richt or action, to crave or recover the ſamin annual-rentes: Notwithſtanding their proviſiones, general or ſpecial quhat-ſum-ever, without prejudice alwaies of the Hoſpitalles and Colleges within Univerſities, and Schooles, within this Realme.

168. *The paines of wrangeous Cuſtomers and Searchoures.*

OUR SOVERAINE LORDE, with adviſe of the Eſtaites in this preſent Parliament, ſtatuis and ordainis, that all Cuſtomers and ſearchers, ſall compeir zeirlie in the ordinar time of the Checker, and make faith that they have done their dewtie trewlie in their offices, the zeir preceeding: And gif ony ſall be tryed to have done in the contrair; be ſuffering or over-looking of forbidden guddes, or un-cuſtomed guddes to be tranſported, ather before the Juſtices or his depures, or auditoures of the Checker, that the offender thereby in-cur the paine of deprivation from their offices, and eſcheitting of all their movable guddes.

169. *Remiſſiones and reſpittes ſuld not be granted, without ane letter of ſlaines: They ſuld be regiſtrat.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, ratifies and apprievis the actes of his Hieneſſe Parliamentes, maid of before; againſt the granting of remiſſiones and reſpettes to the committers of murthers, ſlauchters, and uther odious crimes, mentioned therein, quhair there is not ſufficient letters of ſlaines ſhawen; And ordainis the ſaids acts to have full effect, and to be obſerved be his Hieneſſe and his deputes, during the haill ſpace, mentioned therein; And that na reſpit or remiſſion be admitted in judgement hereafter, except the ſamin be componed be the Theſaurer, ſubſcribed be him, and at the leaſt, paſt his Regiſter.

170. *Ratificationes of the priviledges of the College of Juſtice.*

OUR SOVERAINE LORD, And Eſtaites of this Realme, conveened at this preſent Parliament, ratifies and apprievis, for them and their ſucceſſoures, all and quhat-ſum-ever Actes, ſtatutes, conſtitutiones and ordinances, maid be his Majeſtie, or his Predeceſſoures, in favoures of the Senatoures of the College of Juſtice, and members thereof: ſen the firſt erection of the ſaid College, to this preſent day and dait, without ony maner of diminution or derogation of the ſamin, in ony ſort, be quhat-ſum-ever uther act or ſtatute, that may or can be extended or interpreted in the contrair, aither ſpecial or general.

171. *Infeftmentes of the propertie, without conſent of the Comptroller, ar null.*

OUR SOVERAINE LORD, With adviſe of the Eſtaites of this preſent Parliament, ratifies and apprievis the acte maid in the Parliament halden at *Edinburgh*, the fifth day of *Junij*, the zeir of God, ane thouſand, five hundreth, fourſcore twelve zeires; Anent the ſetting of infeftmentes of his Majeſties propertie; And decernis and declaris quhat-ſum-ever infeftmentes to be ſet in time cumming of the ſamin, without the Comptrollers conſent, his ſubſcription and paſſing of his regiſter, to be null and of nane availe.

172. *Infeftmentes given be the King, with new richt of Patronage in that part, ar null.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, conſiddering how his Hieneſſe hes bene greattumlie circumveened in granting of new infeftmentes, to ſindrie perſones of their Landes

Landes, including there-with, be their importune ſuite; the advocation, donation, and richt of Patronage of diverſe Kirkes and Benefices: quhilk never perteined to them of before; Bot to his Majeſties preſentation, ſpecially quhair perſones provided thereto, is zit on life; And the richt of the Patronage of their Benefice, purchaſſed and taken, during their life-time, without their conſent or knawledge: Tending thereby to appropriate the fruites of the ſaidis benefices, quhair the ſamin ſall vake, to their particular uſes; Not onelie to the great hurt of his Hienes, and prejudice of the Kirk: quhairby all convenient occaſion is abſtracted from his Hieneſſe, to gratifie qualified perſones, quha hes travelled and ar able to ſerve in the function of the Miniſterie, and Preaching of the Evangell: Bot alſo to the great hazard and danger of the perſones, provided to the ſaidis Benefices, zit on life.

FOR Remeid quhairof, our ſaid Soveraine Lord and Eſtaites foreſaid hes ſtatute and ordained: and be the tenour hereof, decernis and declaris, that all ſik infeftmentes, granted in times by-paſt, or to be graunted in times cumming, be his Hienes, conteinand the gift and diſpoſition of the right of ony Patronage, advocation and donation of benefice, quhilk perteined of before to his Hieneſſe gift and preſentation: quhairof the beneficed perſon, was for the time, or ſall happen to be alive, the time of the granting of the ſaid infeftment, & their conſent nocht had and obteined thereto, hes bene fra the beginning, and ſall be in all time cumming, null and of nane availe, force nor effect, ſa far as concernis the diſpoſition of the richt of Patronage of the ſaidis Kirkes; Bot furder proces or declaratour of onie Judge to be given there-upon; And the ſaide advocation, donation, and right of Patronage of the ſaidis Benefices, to returne to his Hieneſſe; and be at his diſpoſition and preſentation freelie, as the ſamin was before the granting of the ſaide infeftment; And as gif the ſaidis infeftmentes, had never bene granted: But prejudice alwaies of the ſaidis infeftmentes, anent the remanent landes therein conteined; Quhilk ſall remaine in the awin ſtrength and effect, and this nullitie to be received ſummarlie, be way of exception, reply, or objection: Diſchargeing all Judges within this Realme, to grant onie Proceſſe upon the right of the ſaid Patronage, be vertew of the ſaidis infeftmentes: bot to halde the ſame as nocht expreſſed therein.

PROVIDING that ſa ſoone as the beneficed mans awin conſent may be had and obteined, to the ſaidis infeftmentes, the ſame to be als ſufficient and effectual, as gif their conſent had bene obteined thereto, from the beginning.

173. *The paine of them that troubles the Parliament, Seſſion and uther Judgementes.*

IT Is ſtatute and ordained be OUR SOVERAINE LORD, And Lordes of Artickles of this preſent Parliament; That quho-ſoever ſall happen at ony time hereafter: to ſtrike, hurt, or ſlaie ony perſon within his Hieneſſe Parliament houſe, during the time of the halding of the Parliament, within the Kings inner Chalmer, Cabinette, or Chalmer of preſence; The Kingis Majeſtie for the time being within his Pallace, or within the inner Tol-buith, the time that the Lordes of Seſſion ſittis, for adminiſtration of Juſtice; Or within the Kingis privie Councell-houſe, the time of the Councell ſitting there; Or quha-ſoever ſall happen to ſtrike, hurt, or ſlaie onie perſon in preſence of his Majeſtie, quhair-ever his Hieneſſe ſall happen to be for the time, ſall incur the paine of treaſon: and ſall be accuſed therefore, as committers of treaſon and leſe-majeſtie.

AND Sik-like, ſtatutis and ordainis, that quha-ſa-ever ſall ſtrike or hurte in ony time heir-after onie perſon, before our Soveraine Lordis Juſtice, or his Deputes, ſitting in judgement, or within the inner zette of the Kingis Pallace, quhair his Hienes ſall make his reſidence for the time; Or within the utter Tol-buith of *Edinburgh*, the time that the Lordes of Seſſion ſittis for adminiſtration of Juſtice, ſall incur the paine of death, and ſall be accuſed criminallie therefore.

AND Als ſtatutis and ordainis, that quha-ſa-ever at onie time heiraſter, ſall ſtrike or hurte onie perſon, before the Baillies of Burghes, Commiſſares, Schireffes, Baillies of Royalties and Regalities, and uther inferiour Judges within this Realme; they or ony of them, ſitting in judgement, ſall pay ane hundreth poundes, to be employed at the diſcretion of the Judge offended, and be impriſoned in their perſonnes, during the Judges will; But prejudice alwaies of the Priviledges granted bee quhat-ſum-ever ſtatute or Actes of Parliament of before, to the Proveſt and Baillies of Burrowes, or quhat-ſum-ever inferiour Judges.

AND Laſt it is ſtatute and ordained, that quho-ſo-ever ſall ſtrike or hurt onie Judge within this Realme, ſitting in Judgement, ſall incurre the paine of death, and be accuſed criminally therefoir.

174. *Ratification of the Actes maid anent thieft, reſpittes, and remiſſiones ar null, being given without ſatisfaction of the partie.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, Taking conſideration of the rebellious contempt, uſed be ane great number of his Hienes ſubjects, alſweill upon the *Bordours* as in the *Hie-landes*, and diverſe utheris partes of his Hieneſſe Realme: Quha without regard of their dewtifull obedience, paſſis daylie to the horne, for not finding of law-ſovertie; Not ſubſcriving of aſſurances in maters of feede, dingis and ſtrickis his Majeſties meſſengers, and utheris his Hieneſſe Officiares, in execution of their offices: And ſum quha nightlie and dailie rievis, forrayis, and committis open thieft, rieſe and oppreſſion

oppreſſion: For remeid quhairof, our ſaid Soveraine Lord, ordainis the Actes and Lawes maid of before, anent thieft, thieft-boote, receipt of thieft, interteiners, intercommuneres, receipters and ſuppliers of thieves, to be put to execution, according to the tenour thereof; And ratifies and apprievis the ſame in all poyntes; And furder, our ſaide Soveraine Lord, with adviſe of the Eſtaites of this preſent Parliament, ſtatuis and ordainis, that na reſpite nor remiſſion, be granted at ony time hereafter, to ony perſon or perſones, that paſſis to the horne for thieft, rieſe, ſlauchter, burning, or heir-ſhippe, quhill the partie skaithed, be firſt ſatisfied; And gif ony reſpit or remiſſion ſall happen to be granted, before the partie grieved, be firſt ſatisfied, the ſamin ſall be null and of nane availe, be way of exception or replie, without ony furder declaratour: except the ſaidis remiſſiones and reſpittes be granted, for pacifieng of the broken Countries and bordoures.

175. *That the writer inſert his name in the bodie of the writte.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, underſtanding perfitelie, that falſettes in-creaſis dailie within this Realme: And ſpeciallie, be the writing of the bodies of the contractes, chartoures, obligationes, reverſiones, aſſignationes, and all uthers writtes and evidentes, be the hand-writtes of ſik perſones, as ar not commounlie knawen, and ar not commoun notares, nor bruikes na commoun Office, as writers within this Realme: And gif the writer were knawin, the ſamin wald give great licht to the tryall of the trueth of the falſed of the ſaid writ and evident: Therefore his Hieneſſe, with adviſe of the ſaidis Eſtaites in Parliament, decernis and declaris, that all original chartoures, contractes, obligationes, reverſiones, aſſignationes, and all utheris writtes and evidentes to be maid hereafter, ſall make ſpecial mention in the hinder end thereof, before the inſerting of the witneſſes therein, Of the name, ſurname, and particular remaining place, dioceſie, and uther denomination of the writer of the bodie of the foreſaid original writtes and evidentes: utherwaies the ſame to make na faith in Judgement, nor out-with in time cumming: And to begin upon the firſt daye of *November*, nixt to-cum.

176. *Annexation of the propertie to the Crown.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament: Conſiddering the dailie in-creaſe of his Hienes charges and expenſes, and diminution of his Hieneſſe rentes of his propertie and commoditie, throw unprofitable diſpoſitiones maid thereof in time by-gane: Therefore thinkis expedient, that the landes and Lord-ſhippes under-written, be annexed to the Crown; and preſentlie annexis the ſame thereto, followand the example of his Predeceſſoures, for the honorable ſupport of his Eſtaite: and the ſame Lands, Lord-ſhips, and utheris hereafter ſpecified, to remaine perpetuallie with the Crown: Quhilkis may nather be given awaie in free frank-tenement, penſion, or uther diſpoſition to ony perſon, of quhat eſtaite or degree that ever he be of, without adviſe, decreete, and deliverance of the haill Parliament: And for great reaſonable cauſes, concerning the weill-fare of the Realme: Firſt to be adviſed, and digeſtlie conſiddered be the haill Eſtaites. And albeit, it ſall happen our Soveraine Lord that now is, or ony of his Succeſſoures, Kinges of *Scotland*, to annalie and diſpone the ſaidis Landes, Lord-ſchippes, Caſtelles, Tounes, donation and advocation of the Kirkes and Hoſpitalles, with the pertinentes, annexed to the Croun, as ſaid is, utherwiſe: That the ſame alienationes and diſpoſitiones, ſall be of nane availe; bot that it ſall be leſum to his Hieneſſe, and his Succeſſoures, to receive the ſame landes and rentes to their awin uſe; quhen ever it likis them, without ony proces of Law: And the takers to refound and pay, all profites that they have taken up thereof, againe to his Hieneſſe, and his ſucceſſoures uſes, for all the time that they have had them, with ſik uther reſtrictiones, as ar conteined in the actes of Parliament, maid be his maiſt Noble Progenitours, Kingis of *Scotland*, in their annexationes to the Croun. They ar to ſay, the landes of *Beaufort*: The landes of *Pettindreicht*: The landes of *Cowll*: The landes of *Oneill*: The landes of *Fettircarne*: The landes of *Teiling* and *Polgavie*: The landes of *Colbrandiſ-peth*: The Erledome of *Marche*: The landes of *Trabeache* and *Teringzeane*: The landes of *Carrict*, *Leſualt* and *Mennybrig*: The landes of *Cowell*: The landes and Lord-ſhip of *Galloway*, abone and beneath *Cree*: The landes of *Duncow*: The Caſtle and landes of *Lochmabene*: The landes of *Glencharny* and *Glenmoreiſtoun*: The landes of *Diſcher* and *Toyer*: The landes of *Kinclewin*: The Lord-ſchip of *Menteith*: The landes of *Roſneith*: The landes of *Bute*: The landes of *Ruthvens* in *Cromar*: The aſſiſe herring in the *Eaſt* and *Weſt* Seas: The Lord-ſhip of *Dumbar*: The landes of *Normangill*, *Quhitegill* & *South-wood*: The landes of *Duneaonald*: The Kings wark in *Leith*: The Kingis ſtable: The Kingis Meedow: The Pallace, zardes, and Parke of *Haly-rude-houſe*: The Lord-ſhippe of *Linlithcow*; without prejudice of the former annexation of the landes and Lord-ſhippes abone writren, or ony of them, gif ony be maid of before, with tennentes, tennendries, ſervice of free-tennentes.

177. *Decreetes given within Burrowes, ſuld receive execution, be letters of horning.*

ITEM, Becauſe there is na execution on Borrow actes, but only wairding and poynding: Quhilk is not onelie a great trouble to the Magiſtrates, bot hurt and defraud to the partie; In reſpect that ſindrie abſents their geare: utheris reſpectis not warding: And that the ſuiting of letters conforme, is baith ſumpteous to the perſewer, and hinderſum; the decreetes beand given oftimes of ſmall ſummes: Therefore OUR SOVERAINE

VERAINE LORD with conſent of the Eſtaites, decernis that the Lordes of Councell and Seſſion, ſall direct letters of horning on all decreetes and acts, given be Proveſt and Baillies of Burrowes *inter concives;* and all uther ſubject unto their juriſdictiones, upon the ſight thereof: And execution of the officiares, chargeing the party to make payment within fiftene daies; like as is granted upon Commiſſars precepts: And that the ſaidis letters of horning, proceede upon an ſimple charge of ten daies allanerlie.

178. *Calfe, Kid, and certaine uther skinnes, ſuld not be tranſported out of the Realme.*

OUR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament, ratifies, apprievis, and confirmis, ane acte maid in his Hienes laſt Parliament, anent the none-tranſporting of Calfe and Kid-skinnes and huddrounes foorth of this Realme: And declaris the ſame to be als effectual and ſufficient, as if the ſame were inſert herein, word be word; Notwithſtanding the ſame is not inſert: Anent the quhilk, his Majeſtie with adviſe foreſaid, be thir preſentes diſpenſis for ever, with this addition; That his Majeſtie and Eſtaites of this Parliament, underſtanding how neceſſary and profitable the ſchurling skinnes ar for lyning cuſcheones, making of poikes, lyning, puitches, glooves, and claithing of the puir; and utherwiſe ſerving to diverſe uther uſes, to all his Majeſties Lieges: Quhilkis be the tranſporting and carying of the ſame foorth of this Realme, ar become to ane exorbitant dearth; that there-throw, not onlie the skinners ar greattumlie hurt and prejudged, be the in-laik of the leather thereof, quhair-with to worke: As alſwa his Majeſtie importis na profite thereof be cuſtome, nor uther-wiſe; Bot alſwa all utheris his Hieneſſe Lieges, ar greattumlie hurt and prejudged thereof. Therefore it is ſtatute and ordained, that na Merchand, Craftſ-man, or uther perſon or perſones, carie, or tranſport, onie of the ſaidis ſchurling skinnes, nor uther skinnes abone mentioned, foorth of this Realme, under the paine of confiſcation of ſa monie, as ſall happen to be apprehended: The ane halfe thereof to be confiſcat to our Soveraine Lordis uſe, and the uther halfe to the partie that apprehendis the ſame: And furder puniſhment of the perſones, tranſporters and contraveeners of this preſent acte, in their perſon and guddes, according to his Majeſties pleaſure.

179. *The cuſtome of Beare.*

OUR SOVERAINE LORDE, And Eſtaites in this preſent Parliament, ſtatutis and ordainis, that his Hieneſſe ſall have twentie ſhillings of cuſtome, of everie tunne of Beare, brocht in this Realme, in time cumming, after the dait hereof.

180. *Confirmation of the Deane of* Gildes *Juriſdiction.*

FORSAMEIKLE As our Soveraine Lord, and Eſtaites of this preſent Parliament, having conſidered how neceſſarie and expedient it is, that the power and juriſdiction of the Deane of *Gild*, and their Councell within Burgh, be approoved and allowed, as it is now uſed in the toun of *Edinburgh:* quhilk is to the great furtherance of Juſtice to our Soveraine Lords Lieges, in all actions and maters concerning Merchands; betuixt Merchand and Merchand, and betuixt Merchand and Mariner; quhilk actions, aucht not, nor ſuld not byde delay; Bot be exped and decerned be the Deane of *Gild* and his Councell ſummarlie, as men choſen and appoynted zeirlie, be the Councell of the Burgh; maiſt apt and able to judge and decerne in all actiones concerning Merchandes, as ſaid is: Quhairfore OUR ſaid SOVERAINE LORDE, With adviſe of the Eſtaites in this preſent Parliament, ratifies and confirmis, the judgement of the ſaid Deane of *Gild* and his Councell, in all actiones, concerning Merchandes; as the ſame is ſet downe be the Proveſt, Baillies, Councell and Deacones of the Burgh of *Edinburgh:* And to have full ſtrength, force and effect, in all times, according to the lovable forme of judgement, uſed in all gud tounes of *France* and *Flanders*, quhair Burſes ar erected and conſtitute; And ſpeciallie in *Paris*, *Roan*, *Bourdeaux*, *Rochell:* And the particular forme thereof, to be ſet downe againe in this preſent Parliament.

181. T*he commoun good of Burrowes ſuld be rouped, and imployed to the commoun weill of the Burgh.*

OUR SOVERAINE LORDE, With adviſe and conſent of the Eſtaites in this preſent Parliament, hes decerned, concluded and ordained: and be thir preſentis, decernis, concludis and ordainis, that the commoun gud and patrimony of all Burghs within this Realme, ſall be zeirly beſtowed, at the ſight of the Magiſtrates and Councell of the ſaidis Burrowes, to the doing of the commoun affaires thereof allanerly, after the zeirlie rouping and ſetting thereof, as uſe is: conforme to his Majeſties former actes and ſtatutes, maid anent the imploying of the commoun gude within the ſaidis Burrowes: And that the ſamin be na utherwiſe beſtowed or converted to quhat-ſum-ever uſe or alteration, maid there-anent, in haill or in part: Notwithſtanding of quhat-ſum-ever Commiſſion, charge or direction, given be his Majeſtie, at ony time heretofore, be procurement of particular parties in the contrair: And notwithſtanding quhat-ſum-ever ſtatute, ordinance or decreete following or proceeding thereupon: Quhilks commiſſions, charges, decreites and ordinances, with all that hes followed, or may follow thereupon; his Majeſtie with adviſe foreſaid, expreſſelie reducis, retreatis and reſcindis be thir preſentes: And ordainis publication to be maid hereupon, to all and ſindrie his Hieneſſe Lieges, that nane of them pretend ignorance, in forme as effeiris.

182. T*he*

182. *The acte maid in the zeir of God, ane thousand, five hundreth, fourscore foure zeires, anent succeſſoures to benefices, ſuld be extended* ad futura *allanerlie.*

FORSAMEIKLE As in the Parliament, halden at *Edinburgh*, the xxij. daie of *Auguſt*, the zeir of God, ane thouſand, five hundreth, fourſcore four zeires: It was ſtatute and ordained, that all giftes, Proviſions, and diſpoſitiones, of ſucceſſories of Prelacies, Abbacies, Priories and Nunries, maid and granted be his Hieneſſe, to quhat-ſum-ever of his ſubjectes, upon the reſignationes or dimiſſiones of the poſſeſſoures of the ſaid Abbacies, Priories, and titulares of the ſame, ar, and ſall be of nane availe, force nor effect, with all that hes followed, or that may follow thereupon, bot ony furder Proces; as at mair length is conteined in the ſaid Act: The quhilk act and conſtitution, being maid againſt the forme of utheris gude actes and conſtitutiones maid of before, quhilkis were onelie extended *ad futura;* like as of all equitie and reaſon, all Lawes, Actes, and conſtitutiones of Parliament, aucht onelie to have effect in ſik caſes as happenis to follow after the making thereof.

THEREFORE OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, decernis, declaris and ordainis, that the ſaid act and conſtitution, ſall have na effect, force nor ſtrength againſt ſik giftes, proviſions, and diſpoſitiones of Prelacies, and Abbacies, granted be his Hieneſſe at ony time, preceeding the daie and dait of the foreſaid act, to quhat-ſum-ever perſon or perſones, bairnes or neareſt kinſ-folk, upon the reſignationes or dimiſſiones of the poſſeſſoures, commendatares, or titulares, at the time of their dimiſſion, with reſervation of their awin life-rentes: And decernis, ſtatutis and ordainis, the ſaidis giftes, proviſiones, and diſpoſitiones, to be, and to have bene fra the dait thereof, ſufficient richtes and titles to them, to bruik the ſaidis Abbacies and benefices, induring their life-time: Notwithſtanding the reſervation theirin conteined: And caſſis and annullis the foreſaid acte of Parliament; in-ſa-far as the ſamin may be exended to ony gifte and proviſione, of onie Abbacie or Prelacie, diſponed before the ſaid twentie twa daie of *Auguſt*, the zeir of God, ane thouſand, five hundreth, fourſcore four zeires, with reſervation, in forme abone expreemed: And decernis the foreſaid act in that part, to have no force of Law, ather be way of action, reply, exception or objection, againſt the validitie thereof: And that the ſaid act, ſall be extended to ſik proviſiones, and dimiſſiones of Abbacies and Prelacies, as hes paſt or bein given and granted, ſen the daitthereof allanerlie.

183. *Ratification of the Priviledges of the College of Juſtice.*

OUR SOVERAINE LORD, And Eſtaites of this Realme, conveened at this preſent Parliament, ratifies and apprievis, for them and their ſucceſſoures; all and quhat-ſum-ever actes, ſtatutes, conſtitutiones and ordinances, maid be his Majeſtie, or his Predeceſſoures, in favoures of the Senatoures of the College of Juſtice, and members thereof, ſen the firſt erection of the ſame College, to this preſent daie and dait, without onie maner of diminution or derogation of the ſamin, in ony ſort, be quhat-ſum-ever uther act or ſtatute, that may or can be extended, or interpreted in the contrair, ather ſpecial or general.

184. *Anent tumultes within the Burgh of* Edinburgh, *and obedience to be given to the Magiſtrates thereof.*

FOR-ſameikle as the over-ſight and negligence of the civile Magiſtrates, and Judges ordinar within this Realme, in putting of decreetes to execution, puniſhing of maleſactours and rebelles, and utherwiſe uſing of their offices, as becummis, partelie for regaird, and feare of ſtrang pairties, and hazard of their own lives: and pairtly throw want of ſufficient preparation for that effect; is the original and principale cauſe quhairfra the great confuſion and diſordour of this lande, in all eſtaites proceedis. And ſeeing the Burgh of *Edinburgh*, is the chiefe place quhairin greateſt confluence of people is, alſweill of the Nobilitie and Gentlemen, as of utheris reſorting thereto. Therefore, and that the ſaid Proveſt and Baillies thereof, ar dailie charged, be vertew of their offices, ather at command of letters paſt be deliverance of the Lordes of ſecreit Councell and Seſſion, or bee privat and particular warrandice, foorth of the Kingis Majeſties awin mouth, be miſſive letters, or utherwiſe, to take and apprehend perſones of all eſtaites, quha hes contraveened his Majeſties Lawes; and to incarcerate, keepe and hald them in ſure waird, quhill Juſtice be miniſtred upon them, as accordis of the Law, under the paines of treaſon, rebellion, and putting of the ſaidis Proveſt and Baillies to the horne, And uther the like great paines: For eſchewing the danger quhairof, they ar conſtrayned with ſik readines and promptitude of obedience, as becummis be themſelves in proper perſon, their officers, and utheris in their names; To ſearch, ſeeke, take and apprehend the ſaidis rebelles, and to incarcerate them, as ſaid is: Nevertheleſſe ſik is the malice and inſolence of all men for the maiſt part; alſweill of certaine inhabitants, within the ſaid Burgh, as of utheris, that ather of them aſſociating themſelves, with utheris, regairdes not to make inſurrection againſt the ſaidis Proveſt and Baillies, and his Hieneſſe authoritie: And hes done their utter power to deforce them in execution of their offices:

Quhairfore, and in reſpect of the frequent aſſemblies of the Nobilitie, and utheris his Majeſties Lieges, within the ſaid Burgh, to Parliamentes, Juſtice courtes, Councelles and utheris conventiones, quhairby it pleaſis his Majeſtie, for eſchewing of great trouble, and diverſe inconvenientes quhilkis may occur,

occur, be reaſon of deadlie feedes betuixt great parties, to command the ſaidis Proveſt and Baillies, in their awin perſon, to gairde within the ſaid Burgh, nicht and daie, as occaſion requiris, to their great travell and expenſes and paines: Beſide, that diverſe honeſt perſones, inhabitants of the ſaid Burgh, hes bene ſlaine, mutilat and hurt, in the ſaid ſervice: Neceſſarie and expedient it is, that ſum gude and ſubſtantious remeid be provided, for redreſſing the confuſion and diſordour abone written, to the glorie of God, the eſtabliſhing of peace and quietneſſe within this Realme, and keeping of the inhabitantes thereof under his Hieneſſe obedience. Therefore the Kingis Majeſtie, and Eſtaites of this preſent Parliament, having conſideration of the premiſſes; with the gude, trewe, and faithfull ſervice, done be them to his Majeſtie, in all times by-gane: ſtatutis and ordainis, that na perſon nor perſones, of quhat eſtate or degree that ever they be of, preſume or take upon hande, to diſobey, or contraveene the commandement and charge of the ſaids Proveſt and Baillies of *Edinburgh*, preſent and to cum, in the execution of their offices, quhen as they proceede, immediatlie be commande and direction of his Hieneſſe, be vertew of letters, be deliverance of the Lordes of Secreit Councell, and Seſſion: Or be ſtatute and ordinance of the Councell of the ſaid Burgh: Or be their awin authoritie and power, aggrieand alwaies with their awin libertie and priviledges; and not prejudgeand the liberties and priviledges of utheris. And that na perſon nor perſones attempt nor do ony violence, to them or their officiares in their name, in the execution of their ſaidis offices: Certifieng them, and ilk ane of them that dois the ſame; They ſall be repute and halden as committers of deforcement, ſeditious perſones, and perturbers of the commoun weill of this Realme: and be puniſhed therefore in their perſons and guds with all rigour, in example of utheris, according to the Lawes of this Realme. Attour, for the better performing of the premiſſes, and defenſe of the Kirk of God, within this land, now in thir perellous daies, be the tenour hereof, gives, grantis and committis to the ſaidis Proveſt and Baillies, and their ſucceſſoures, free libertie, full power and authoritie, to convocate and aſſemble themſelves in armour, and to lift and raiſe men of weire, for dailie, ouklie and monethlie wages, and to beare and uſe hagbuttes, and uther armour quhat-ſum-ever, at all times, quhen they ſall thinke expedient: For the quhilk na crime nor offenſe ſall be impute to them, nor their ſucceſſoures: Nor ſall not be called nor troubled in their perſones or gudes, civilie nor criminallie therefore, in ony time cumming, Notwithſtanding of ony Proclamation maid in the contrair, and all paines conteined there-intill: Providing alwaies that the occaſion thereof be firſt ſignified to the Kingis Majeſtie, to the effect that the ſame may be done of his Majeſties knawledge and allowance. And gif it ſall happen ony perſon or perſones, of quhat-ſum-ever degree they be of, or uthers being in companie with them; to be ſlaine, mutilat, or hurt, in reſiſting, withſtanding, and deforceing of the ſaidis Proveſt and Baillies, preſent and to cum, in execution of their ſaids offices, in maner foreſaid. And als gif it ſall happen ony perſon or perſons, to be hurt, ſlaine or mutilate in redding and putting ſindrie parties meetand in armes, within the ſaid Burgh of *Edinburgh*; they alwaies redding the ſaidis parties with lang weapons allanerly; and not be ſchutting of hagbuttes and piſtolets, at ony of the parties: In thay caſes, and aither of them, the ſaidis Proveſt and Baillies, Councell and communitie of the ſaid Burgh; nor their ſucceſſoures, nor na utheris being in companie with them, and aſſiſting them in the execution of their ſaids offices; ſall be nawaies, called, troubled, perſewed or moleſted criminallie, nor civilie therefore, in their perſon or guddes, in ony time thereafter; Diſchargeing therefore his Hieneſſe Advocates, Juſtices Generall, their Deputes and Clerkes; Colonelles, Schireffes, and all uther officiares and Miniſters of his Majeſties Lawes, preſent and to-cum: Of all calling, accuſing, troubling, moleſting, arreiſting, following and perſewing of them, or ony of them, for the cauſes foreſaidis, and of there offices in that part: According to all equitie and Juſtice.

185. *Anent landes and annual-rentes diſponed to the* Toun *of* Edinburgh.

OUR SOVERAINE LORD, With adviſe of his Eſtaites in Parliament, hes ratified and approved, and be the tenour of this preſent acte; ratifies and approvis the acte maid of before, in the Parliament, halden at *Edinburgh*, the fifth day of *Junij*, the zeir of God, ane thouſand, five hundreth, four ſcore twelfe zeires: In favoure of the Proveſt, Baillies, Councell and communitie of the Burgh of *Edinburgh*; be quhilk OUR SOVERAINE LORDE, and his Eſtaites foreſaidis, then ratified and approved the donationes, and mortificationes, maid be his Hieneſſe umquhile deareſt Mother, in her perfite age: And be his Hieneſſe ſelfe, at diverſe times ſen his Majeſties Coronation of all landes, tenementes, annual-rentes, uther profites and commodities quhat-ſum-ever mentioned in the ſaid act: quhilkis were given and doted for ſuſtentation of the Miniſtery, Hoſpitalles, and College of the ſaid Burgh, as at mair length is conteined in the ſaid act in all pointes, clauſes, articles, and circumſtances thereof: Quhilkis ar halden for expreſſed, in this preſent act. Attour, our ſaid Soveraine Lord, and his ſaidis Eſtaites, revokis, retreatis, and reſcindis all and ſindrie infeftmentes, giftes and diſpoſitiones, maid be our ſaid Soveraine Lord, to quhat-ſum-ever perſon or perſones, of the ſaidis landes, tenementes, annual-rentes, utheris dewties and commodities quhat-ſum-ever, ſen the daites *reſpective* of the infeftmentes, giftes and diſpoſitiones maid thereof, to the ſaidis Proveſt, Baillies, Councell and communitie of the ſaid Burgh of *Edinburgh*, for ſuſtentation of the ſaid Miniſtery, Hoſpitalles and College; And declaris the ſame, with all that followed thereupon, to be in all times cumming, and to have bene in all times by-gane, null and of nane availe, force nor effect.

And that the perſones, obteiners of the ſaidis infeftmentes, giftes, and diſpoſitiones, ſall never be heard

to moove action nor quarrell thereupon: Nor founde onie exception or defenſe, be vertew thereof, againſt the ſaidis Proveſt, Baillies, Councell and communitie, and their ſucceſſoures, to the effect that they in all times hereafter, without onie impediment or obſtacle, may peaceablie bruik the ſaidis landes, tenementes, annual-rentes, uther emolumentes and profites, to the uſe quhair to they were given of before, as ſaid is.

186. *Ane mercat granted to* Aberdene.

OUR SOVERAINE LORDE, With adviſe of his Eſtaites of this preſent Parliament, givis and grauntis licence and libertie to the Burgh of *Aberdene:* To hald ane mercatte and publick Faire, within the freedome of the ſaid Burgh, to begin zeirlie hereafter upon Monondaie, immediatlie before *Whitſundaie:* And thereafter to continue for the ſpace of aucht daies, with the haill juriſdictiones, freedomes, toll and cuſtomes of the ſame.

187. *Anent confirmations of Kirk-landes, ſubſcribed of auld be the King, and under the privie ſeale.*

OUR SOVERAINE LORD, underſtanding diverſe infeftmentes of few-ferme, to have bene granted of auld be the Prelates of this Realme, of their Temporal landes, in favours of his lieges, lauchfullie maid for juſt cauſes, and with all ſolemnities requiſit: And ſindrie infeftmentes, nocht onely granted bee the ſaidis Prelates, and their convent, under their commoun ſeales and ſubſcriptiones: Bot als, bee the ſpecial conſente and authoritie of his Hieneſſe Predeceſſoures, of gude memorie, Namelie, his Gracis Gud-ſchir King JAMES the Fifth, under his ſubſcription and privie ſeale: Quhilkis according to the Eſtaite of time were lawfull ſecurities, to the receivers thereof, and needed na particular confirmation to be interponed thereto, ather be authoritie of the *Paip*, or of our Soveraine Lordis Predeceſſoures; there being na Law, ſtatute nor conſtitution received, obliſhing the ſubjectes thereto. And in-caſe ony confirmation had bene requiſite, the ſamin culd import na furder in effect or ſubſtance, then the conſent of the Prince, under his ſeale and ſubſcription; According to the quhilkis infeftmentes, the ſewaris and utheris, having richt fra them, their ſucceſſoures, alſweill particular, as univerſall, hes bene eſtabliſhed in the full richt of the ſaidis Temporal landes, perteining to the ſaidis Prelates, be vertew of the ſaidis fewes, ſwa ſet in maner foreſaid: And nevertheleſſe, utheris affecting the ſame Kirk-landes, and takand occaſion of certaine late ſtatutes, maid anent the confirmation of the ſaidis Kirk-landes; quhilkis tooke beginning and firſt foundament, anent the fewes of Kirk-landes, ſett ſen the Moneth of *Marche*, the zeir of God, ane thouſand, five hundreth, fiftie aucht zeires, Albeit be poſteriour ſtatutis, extention is maid baith to new and auld fewes: Hes purchaſed on their pretended maner, our Soveraine Lordis confirmation thereupon; to the prejudice of the ſaidis firſt fewares: Tending to exclude and debarre them thereby fra their richt, and to acquire the propertie of the ſaidis landes to themſelves, onelie upon pretext of the ſaid confirmation; His Hieneſſe not willing that the lauchfull richtes and ſecurities of the parties, acquired be them after ſa lang ſpace, ſall be hurt or prejudged, be quhat-ſum-ever Lawes or conſtitutiones ſubſequent: Or that ſtrangers and thrid perſons quha hes never bene kindlie tennentes in the ſaidis landes, ſall upon new fewes and confirmationes thereof, purchaſſed be them, prejudge the ſaidis firſt fewares, onelie upon pretext of wanting of ane ordinar confirmation, according to the ſaidis late ſtatutes: OUR SOVERAINE LORD with adviſe and conſent of the Eſtaites, aſſembled in this preſent Parliament, hes ſtatute, concluded, decerned and ordained; And be thir preſentis, ſtatutis, concludis, decernis and ordainis, all and ſindrie the ſaidis infeftmentes of few-fermes, ſett of auld, be the Prelates of this Realme, to quhat-ſum-ever his Hieneſſe Lieges and ſubjectes; of quhat-ſum-ever Temporal landes, offices, rentes, rowmes and poſſeſſiones, being authorized be the ſubſcription of his ſaid Gud-ſchir, or ony his Predeceſſoures, and their privie ſeale, in takin of their conſent interponed thereto, to have bene fra the beginning, to be preſentlie, and in all time cumming, gud, valide, lauchfull, perfite, and effectuall infeftmentes, to the awners thereof, their aires and ſucceſſoures, alſweill particular, as univerſall: To the effect they may peaceablie bruik, joyis, and poſſeſſe the landes, and utheris conteined there-intill: And gif neede beis, to call and perſew, be vertew thereof, quhat-ſum-ever perſones purchaſers of ony poſterior infeftmentes of the ſamin landes, with his Hieneſſe confirmationes interponed thereto; for retreating and reſcinding thereof: And the ſaidis firſt infeftmentes, ſwa maid and granted, as ſaid is, to make full faith in judgement, and out-with, to produce full action and exception, and to be preferred to quhat-ſum-ever poſteriour infeftmentes: Notwithſtanding the ſamin wantis ane ordinar confirmation, having the conſent, ſubſcription and privie ſeale, as ſaid is: and ſwa oft as the ſamin ſall be produced in judgement, ather for foundament of ony action, or for prieving of ony exception or reply, in quhat-ſum-ever judgement or inſtance, quhair as the contraverſie ſall ſtande upon want and in-laik of confirmation, and that ather the *Paipis* confirmation, or his Hieneſſe, or his Predeceſſoures confirmation is alleged, and offered to be provin (*in forma ſpecifica*) upon mutuall convention of maintenance of twa diverſe fewes, the ane auld, ſet with the ſaidis ſolemnities: And the uther lait, and authorized be confirmation, quhidder the ſame be before *litiſ-conteſtation*, or thereafter, uſed for probation of the libell, exception or reply, in quhat-ſum-ever inſtance, ather upon perſute of reduction or utherwiſe the ſamin ſall be halden and repute, now and in all time hereafter,

as valide and ſufficient in all reſpectes, and to proove als ſufficientlie the libell, exception or reply admitted, although the partie be burdened with production of the *Paipis*, or his Hieneſſe Confirmation, as gif ane lauchfull confirmation, maiſt ſolemnelie paſte in the Court of *Rome*, be proces of Commiſſion, or utherwiſe, be his Hieneſſe or his Predeceſſoures, in maiſt ample forme, with all ſolemnities requiſite, were produced: And the libell exception or replie, founded upon the ſaid infeftment, or upon our ſaid Soveraine Lordis Confirmation, or the *Paipis* Confirmation alleged requiſite thereto, To be als ſufficientlie provin in all reſpectes, be production of the ſaid infeftment, with this preſent Act of Parliament, as gif ane ordinar Confirmation were produced: And this preſent Acte of Parliament to be received in all Judgementes hereafter, alſweill intented and depending in quhat-ſumever part of the proces, as to be intented, and to be obſerved univerſallie, as ane perpetuall Law, in all times hereafter: And willis and declaris, that thir preſentis ſall make expreſſe derogation, to quhat-ſumever actes, ſtatutes or conſtitutiones of Parliament preceeding, anent the Confirmation of the ſewes of Kirk-landes, or anent double Confirmationes and prerogative thereof.

188. *Act in favour of the Burgh of* Aberdene, *for confirmation of their annualles.*

OUR Soveraine Lord, and Eſtaites of this preſent Parliament, ratifies, apprievis and confirmis, and of new gives, grantis, and diſponis, to the Burgh of *Aberdene*, all and ſindrie the annualles, fewfermes, Chaplanaries and Prebendaries, quhilks belanged of before, to the Chaplaines of their Paroche Kirke of *Aberdene*, conteined in the gift maid to the ſaid Burgh of before.

189. *Annexation of the Abbay of* Dumfermeline *to the Crown.*

ITEM, Becauſe it is underſtand, that the povertie of the Crown, is the ſpeciall cauſe of the povertie of the Realme, and inhabitantes thereof: and that the Patrimonie of the Crown being augmented; it is great weill and profite baith of the Kingis Grace, and to his lieges: Therefore our Soveraine Lord, with conſent of his Eſtaites, unitis, annexis and incorporatis to the Crown of this Realme, to remaine therewith, as propertie annexed Patrimonie and propertie thereof, in all time cumming: and with our Soveraine Lord, and his Succeſſoures for ever: All and haill the Lands, Lordſhips, Barronies, milnes, multures, ſchawes, wooddes, parkes, fiſchinges, Tounes, Villages, Burrowes, Regalities, Barronies, annual-rentes, tenements, reverſiones, Cuſtoms great and ſmall, few-fermes, places, houſes, bigginges, Caſtles, toures, manour-places, zairdes, orchardes, Kirkes, teindes great and ſmall, fruites, rentes, emolumentes, and all and ſindrie utheris commodities and profites quhat-ſum-ever, tennentes, tennendries, and ſervice of free-tennentes; alſweill to Burgh as Land, quhilkis in ony maner of way perteined, or may perteine to the Abbacie or Monaſterie of *Dumfermeline*: lyand upon the North-ſide of the water of *Forth* allanerly: to be in all times hereafter repute and halden, the propertie and Patrimonie of the Crown: to remaine therewith in all time cumming, after the forme, tenour and ordour of the acts of annexation, maid in the time of our Soveraine Lordis Predeceſſoures, King *James* the Second, and King *James* the Fifth, and conforme to all the clauſes, conditiones and circumſtances thereof; quhilk is in all poynts halden and underſtand, as expreſſed, and ſpeciallie conteined in this preſent Act, in all time hereafter: It is likewiſe declared, that in the ſaid annexation of the Temporall Landes of the foreſaid Abbacie of *Dumfermeline*, lyand upon the North-ſide of the water of *Forth*, ar na-wayes comprehended, The Barronnies of *Brunt-Iland*, alias weſter *Kinghorne*, and *Newbirne*, with annexes and connexes thereof, quhilkis perteined to the ſaid Abbacie of *Dumfermeline* of before, and lyes upon the North-ſide of the water of *Forth*: And quhairin Sir *Robert Mal-vill* of *Murdocarny* Knight, and Sir *Robert Mal-vill* his eldeſt ſonne, and appeirand aire: And *Andro Wood* of *Largo*, were infeft *reſpective*. And furder, our ſaid Soveraine Lord, and his ſaidis Eſtaites, willis and declaris, that the ſaidis Barronnies, with their annexes and connexes, ſall remaine in time cumming, as ſeparate Barronies, and na-wayes to be comprehended in the ſaid annexation: With ſpeciall proviſion, that all the teindes of the ſaidis Landes and Lordſhip of *Dumfermeline*, ſall be underſtand, be vertew of this act, annexed to the Crowne, after the forme and tenour of the ſaid generall act of annexation, maid in the zeir of God, 1587. zeires, and all the teindes of the remanent prelacies and Kirk-landes of this Realme, ar annexed to the Crown. It is alwayes declared, be our ſaid Soveraine, and his Eſtaites of Parliament, that the Lordſhip and Barronie of *Muſſelburgh* Schire, with annexes and connexes, free Regalitie, partes and pendickles of the ſamin: Ar nocht comprehended in the ſaid annexation: nor ſall not be comprehended in ony annexation, to follow thereafter, becauſe the ſaid Lordſhippe and Barronnie, with annexes, connexes, free Regalitie, partes and pendickles of the ſamin, being ane part of the Patrimonie of the ſaid Abbacie of *Dumfermeline*, was excepted furth of the firſt generall annexation of the Kirk-landes to the Crown. And *John* Lord of *Thirleſtane*, Chancellar to OUR ſaid SOVERAINE LORD, and Dame *Jane Fleming* his ſpouſe, for them and their aires were heretablie infeft therein. Quhilks Lordſhippe and Barronie, they have laitleie reſigned in our ſaid Soveraine Lordis handes, for infeftment of lyferent thereof, given to the Queenis Majeſtie for all the dayes of hir Hienes life-time. And for ane uther infeftment of the heritabill fee thereof, given to the ſaid *John* Lord *Thirleſtane* Chancellar foreſaid, his ſaid Spouſe, and their aires maill and of tailzie heritablie. Quhilkis infeftmentes, our ſaid Soveraine Lord,

with adviſe and conſent of his foreſaidis Eſtaites, ratifies and confirmis be thir preſentes, and for his Hieneſſe and his Succeſſoures, willis and grantis, that the ſamin, ſtand in full force, ſteed and effect, in all time hereafter: And ordainis the ſaid new infeftment, given to the ſaid *John*, Lord *Thirleſtane*, his ſpouſe, and their aires foreſaidis, to be inſert in the buikes of Parliament, gif neede beis.

190. *Act of the new gift of* Dumfermeline, *with the Monkes portiones, to the Queenes Majeſtie.*

ITEM, OUR SOVERAINE LORD, With conſent of his ſaidis Eſtaites, havand conſideration that his Hieneſſe beand in *Upſlo*, in *Norway*, the twentie foure day of *November*, the zeare of God, ane thouſand, five hundreth, fourſcore nine zeares, for diverſe occaſiones mooving him, gave and diſponed to his deareſt Spouſe, ANNA Queene of *Scottes*, all and haill the Lord-ſhip and Barronies of *Dumfermeline*, with all Lands, Tounes, Manour-places, milnes, multures thereof, lyand on the North-ſide of the water of *Forth*; to be bruiked and poſſeſſed be her, for all the dayes of her life-time, as at mair length is conteined, in the ſaid gift, of the dait foreſaid: And now willing that his ſaid deareſt Spouſe, ſall bruik & joyis the ſaid gift, for all the dayes of her life-time, according to the tenour thereof, and to the promiſe maid be him, and be his ſaidis Eſtaites, to his deareſt Brother CHRISTIANUS the Fourt of that name, King of *Denmarke*: THEREFORE Our Soveraine Lord, with conſent foreſaid, confirmis, ratifies and apprievis the ſaid gift, chartour, and ſeaſing following there-upon; and all and ſindrie heades and articles conteined therein: And promiſes faithfullie to obſerve, keepe and fullfill, and cauſe the ſamin to be keeped, obſerved and fulfilled.

Maireover, for the cauſes foreſaidis, OUR SOVERAINE LORD, with conſent of the ſaidis Eſtaites, gives and diſponis of new, to his ſaid deareſt Spouſe; All and haill the ſaid Lordſhip of *Dumfermeline*, lyand as ſaid is: With all Lands, Barronnies, places, houſes, bigginges, Caſtles, toures, Fortalices, manour-places, zairdes, orchardes, milnes, wooddes, fiſchinges, Kirkes, teindes great and ſmall, fruites, rentes, emolumentes perteining thereto, with power and juriſdiction of Regalitie of the ſamin, for all the zeires and terme of her life-time; And lyke-wiſe all Monkes portiones, perteining to the ſaid Abbacie, to be bruiked be her, induring the ſaid time: And to be peaceablie intrometted with be her factoures and Chalmerlaines, in her name, als freelie as our Soveraine Lord may bruike and poſſeſſe the ſame, be reaſon of the annexation foreſaid: Or as ony Abbot or Commendatar hes bruiked or poſſeſſed the ſame, in ony time by-gane: And to that effect, our Soveraine Lord, with conſent foreſaid, caſſis, retreatis, reſcindis, and annullis all and ſindrie giftes and diſpoſitiones of Monkes portiones, perteining to the ſaid Abbacie, maid and given be his Hieneſſe, to quhat-ſumever perſon or perſones, for quhat-ſumever cauſe or occaſion, before the daye and dait of this preſent act of conſtitution.

191. *Acte concerning the Queenes Majeſties richt to the thrid of* Dumfermeline, *and compenſation, for-ſameikle as preſently wants thereof.*

FORSAMEIKLE As immediatly after the Mariage contracted and ſolemnized betuixt the King and Queenes Majeſtie, our Soveraines Lord and Ladie: His Hieneſſe, for the ſingular love and affection borne toward her; gave, granted, and confirmed to her, in forme of morning gift, all and haill, the Lordſhippe of *Dumfermeline:* with all Barronnies, Landes, principall Manſion, houſes, zairdes, paſtoures, milnes, multures, milne-landes, teindes, alſweill great as ſmall, wooddes, ſchawes, coales, coale-heuches, fiſchinges, and all utheris pertinentes thereof, quhat-ſumever, alſweill under the earth, as abone, lyand on the North part of the water of *Forth*: Quhilkis Landes, Barronnies, with all abone ſpecified, his Hieneſſe of before had united, annexed and incorporated, in ane haill and free Lord-ſhippe, for payment of ane ſilver pennie, at the feaſt of *Whit-ſunday*, in the name of *Blench-ferme:* Like as at mair length is conteined in the ſaid gift, daited at *Upſlo*, in *Norway*, the xxiv. day of *November*, the zeir of God, 1589. zeires: And thereafter her Majeſtie was infeft and gat poſſeſſion, and ſaiſing of the ſaid Lordſhip, upon the daye of *Maij*, the zeir of God, 1590. zeires: Quhilk gift, infeftment, and haill contract of Mariage, is ratified, apprieved, and promiſed to be accompliſhed be his Hieneſſe, and his Eſtaites; As his confirmation, under his great ſeale, and under the ſeales and ſubſcriptiones of his ſaidis Eſtaites, daited and delivered to the Embaſſadoures of *Denmarke*, upon the xvij. day of the ſaid Moneth of *Maij*, the zeir of God foreſaid beares. As alſwa in the Parliament, halden at *Edinburgh*, upon the fifth day of *Junij*, the zeir of God, 1592. zeires, our ſaid Soveraine, with adviſe and conſent of his Eſtaites in Parliament, ratified and apprieved the ſaid contract of Mariage, morning gift, and als the charter, precept, and inſtrument of ſaiſing given be his Hieneſſe, to the Queene his deareſt Spouſe, according to the ſaid contract, Of the Palice of *Linlithcow*, with the Lord-ſchippe and Landes of the ſame, zairdes, paſtures, loches, fiſchinges, milnes, multures, coales, coal-heuches, rentes, fermes, victualles, cuſtoumes, with advocation and donation of Benefices, tennentes, tennendries, ſervice of frie tennentes annexed and connexed Landis, partes, pendickles and pertinentes thereof, quhat-ſumever lyand within the Schireffe-dome of *Linlithcow*: and als the Earle-dome of *Fife*, with the Pallace and Caſtle of *Falk-land*, Lord-ſhip, Landes, wooddes, ſchawes, paſtures, rentes, fermes, dewties, cuſtoumes, milnes, multures;

tures; with advocation and donation of Benefices, tennentes, tennendries, and ſervice of free-tennentes, annexed and connexed landes, partes, pendickles, and pertinentes quhat-ſumever, alſweill not named as named; lyand within the Schireffe-dome of *Fife*, and haill contentes thereof, according to the ſaid Chartour, of the dait, at *Haly-rude-houſe*, the Elleventh day of *Maij*, the zeir of God, ane thouſand, five hundreth, fourſcore ten zeires. And furder, decernand and declarand, that the ſaid contract of Mariage, haill clauſes and contentes thereof, the ſaid Morning gift, the ſaid Lord-ſhippe of *Dumfermeline* renewed, as ſaid is, abone ſpecified: The Chartoures, precepts, and inſtrumentes of ſaiſing of the ſaid Earledome, Lord-ſhippe, and utheris abone ſpecified: To have bene maid and done, to the honour, weill and profite of his Majeſtie, and his Hieneſſe Crown, and to the weill and commoditie of the haill Realme: And therefore decernand and ordainand, the ſame to ſtand effectuall, and to be inviolablie and faithfullie obſerved, keeped and fulfilled, in all poyntes, and in all time cumming: And that the ſaid decreete and ſentence of Parliament, ſuld be extracted, under the great ſeale, and ſeales of the haill Nobilitie, Barronnes, Clergie, and Commiſſioners of Burrowes, Lordes of Articles of the ſaid Parliament, gif need were, quhair-throw his Hieneſſe, and his Eſtaites, repreſenting the haill bodie of this Realme, ar obliſhed to the accompliſhment and fulfilling of the ſaid contract, Morning gift, infeftmentes and titles, maid to OUR ſaid SOVERAINE LADIE, in maner before ſpecified.

Nevertheleſſe becauſe throw occaſion of ſindrie unprofitable diſpoſitiones, maid of ſindrie partes, of the fruites and rentes of the ſaide Lord-ſhippe of *Dumfermeline*, partlie before, and partlie after the ſaid Morning gift; the full rentes of the ſaid Lord-ſhippe, according as it is valued, could nocht be gotten, and timouſlie brocht in to her Majeſties proper uſe: OUR ſaid SOVERAINE LORDE, hes bene diverſe times mooved be his deareſt Brother, couſing, and allia, the King of *Denmark*, and his Embaſſadoures, in his name, ſent in this Realme; That the ſaid Morning gift might be maid gude, to the Queenes Hieneſſe; and ſhe entred in reall poſſeſſion thereof, to her awin proper uſe, Quhairanent treatie being had, betuixt his Majeſtie, and certaine of his Councell in his name, and the Embaſſadoures of his ſaid deareſt Brother couſing, and allia the King of *Denmarke*; Reſolution is taken, that her Majeſtie, and her Chambmerlane in her name, ſall have full & reall poſſeſſion of the ſaid Lordſhippe of *Dumfermeline*, and ſa monie of the rents and fruites thereof, as ar preſentlie free and unvitiat: And ſall have alſwa compenſation out of the rentes and properties of the Crown, be infeftment of ſpeciall landes and poſſeſſiones, as will extend in certaine and free rent, all chairges deduced, to the ſumme of ſex thouſand punds money of this Realme, zeirlie to be intrometted with and uptaken be her Hienes awin Chambmerlane in her name, & to hir behoove and proper uſe, quhill ſik pairtes of the rents of *Dumfermeline*, as are now poſſeſſed be ſum in lyfe-rentes, may accreſſe be their deceas; and the pretended titles now ſtandand upon the rents and fruites of the ſaid Lordſhip of *Dumfermeline*, may be annulled and taken away be ordour of Law and Juſtice. And the ſame rentes recovered and maid peaceablie to be intrometted-with, be her Hienes & her Chambmerlane, to her proper uſe and behoove, quhilk God willing is to be performed, within the ſpace of ane zeire and ane halfe, quhilk will bee maiſt acceptable unto her Majeſtie, and aye as onie pairt of the rent of *Dumfermeline* now vitiat ſall be recovered, and her Hienes in peaceable poſſeſſion thereof, als meikle of the ſaide compenſation out of the propertie ſall be relieved and returne, to be received and intrometted-with bee his Hienes Comptroller, to his Majeſties awin uſe.

Mair-over our ſaid Soveraine Lord, conſidering that the haill Lord-ſhippe of *Dumfermeline*, alſweill landes as teindes, thrid as twa part, is conferred to our ſaid Soveraine Ladie, his deareſt Spouſe, in her Morning gift, as ſaid is: And that it is alreadie found be his Majeſtie, be ane act maid, with adviſe of the Lordes, and utheris of his privie Councell, Seſſion and Checker, authorized, allowed and approoved ſenſine be his Hieneſſe Eſtaites in Parliament: That the thriddes of Benefices, and *ſuper-plus* thereof, being deſtinat for ſupport of the publick affaires, and ſuſtentation of the Miniſterie, micht be diſponed, given, or employed na utherwayes, bot to the ſaid uſe and effect, for the quhilk they were appoynted at the beginning: And ſik-like, that na penſiones, tackes, or lyfe-rentes of the ſaid *ſuper-plus*, micht, or may be diſponed in time cumming, for onie langer ſpace, nor the ſpace of ane zeir: And that after the making of the zeirlie aſſignationes of the Miniſters ſtipendes, and ſufficient proviſion for ſuſteining of his Majeſties houſe zeirlie: Decernand and declarand, all and quhat-ſumever penſiones, lyfe-rents, and tackes, purchaſed, or to be purchaſſed, quhairby the thriddes *ſuper-plus* thereof, Or the firſt and beſt rentalles thereof, hes bene diminiſhed or altered, ſen the firſt aſſumption of the ſaidis thriddes, granted aither be OUR ſaid SOVERAINE LORDIS deareſt Mother, or be his Hieneſſe ſelfe, to quhat-ſum-ever perſon or perſones, upon wrang report or importune ſuite, without cognition preceeding of the ſuſtentation of the Miniſterie, and ſufficient proviſion for ſuſteining of his Majeſties Houſe, to have bene fra the beginning, and to bee in all time cumming of nane availe, force nor effect: Notwithſtanding quhat-ſum-ever ratificationes or confirmationes following there-upon: And like as the generall Collectour, be himſelfe, his Chambmerlaines, & under-receivers in his name, ar ordained to aske, crave, receive, intromette, and up-take all and haill the thriddes of Benefices, within this Realme, unaſſigned to the Miniſterie, quhair the firſt and beſt rentalles of the ſame ar altered or diminiſhed, ſen the firſt aſſumption of the ſaidis thriddes, of the croppe and zeir of God, ane thouſand, five hundreth, fourſcore ſeven zeires: And ſiklike zeirlie in time cumming; according to the rentalles maid compt of, in the zeir of God, ane thouſand, five hundreth, fourſcore four zeires, and laſt thereof: And gif the ſaidis thriddes be diminiſhed, or hurt ony wayes, be the ſaidis laſt rentalles,

and

and aſſumptiones thereof, ſen the firſt aſſumtiones of the ſaidis thriddes, maid in the zeir of God, ane thouſand, five hundreth, threeſcore ane zeires: The ſaid Collectour to have recours to the firſt aſſumption, for-ſameikle of the ſaidis thriddes, as the ſamin ar diminiſhed, be the laſt aſſumption: And to charge for the ſame, without reſpect of ony penſion, tack, life-rent, or diſcharge of the ſaidis thriddes, and *ſuper-plus*, or onie part thereof, altered or diminiſhed in the rentalles, ſen the firſt aſſumption of the thriddes, as ſaid is: Swa now, our Soveraine Lord, be adviſe of his Eſtaites in this preſent Parliament; ordainis and gives, full richt and power, be the tenour hereof, to the Queene his deareſt Spouſe, our Soveraine Ladie, be her ſelfe, or her Chamerlane, in her awin name and to her proper uſe and behoove: To aske, crave, receive, intromette with & up-take, the haill thrid of the ſaid Abbaie and Lordſhippe of *Dumfermeline*: Suſteining the Miniſters, ſerving at the proper Kirkes thereof, in ſtate as they were aſſigned, at the time of the making of the ſaid Morning gift, or furder at her gude pleaſure: And that the *Whit-ſundayes* terme laſt by-paſt, & *Martine-mes*, nixt-to-cum: And of the croppe and zeir of God, ane thouſand, five hundreth, fourſcore threttene zeirs: And ſiklike zeirlie in time cumming, during her life-time: according to the firſt aſſumption of the thrid of *Dumfermeline*, and compt maid thereof in the crop and zeir of God, ane thouſand, five hundreth, threeſcore ane zeires: And ſiklike, ordainis that the Lordes of Councell and Seſſion, ſall nawayes graunt onie ſuſpenſion or relaxation fra the horne, to onie perſone or perſones, charged or denunced, for payment of the ſaid thrid of *Dumfermeline*, altered or diminiſhed fra the firſt and beſt rentall, as ſaid is, quhill the ſummes and victualles charged for, be firſt payed to her Majeſtie, and her Chalmerlane in her name: Notwithſtanding quhat-ſum-ever penſion, tack, life-rent or diſcharge, purchaſled, or to be purchaſſed, of the ſame thrid, quhair the firſt and beſt rentall is altered or diminiſhed as ſaid is, of this inſtant croppe, and zeir of God, ane thouſand, five hundreth, fourſcore threttene zeires, and zeirlie in time cumming, during her life-time, as ſaid is: Bot that the ſaidis Lordes, ſall repute and eſteeme the ſame as null in the ſelfe: And the ſaid nullitie to be received, alſweill be way of exception, as action; But prejudice nevertheleſſe of quhat-ſum-ever heritable infeftmentes, granted be our Soveraine Lord, quhairby the condition of the ſaids thriddes ar altered or diminiſhed: Attour, our Soveraine Lord, with adviſe of his Eſtaites of Parliament, in reſpect of the ſaid Morning gift, ſa faithfullie and ſolemnedlie promiſed to bee upſett and maid gude: decernis and declaris, all giftes and proviſiones, maid of the title of the Kirkes of the ſaid Abbaie and Lordſhippe, ſen the dait of the ſaid Morning gift, to quhat-ſumever perſones; to be likewiſe null fra the beginning, and to be in all times cumming, of nane availe, force nor effect: And the ſaid nullitie to be received, be quhat-ſum-ever Judge, alſweill be way of exception, as action; Notwithſtanding ony diſpenſation or Act of Parliament, maid or to be maid in the contrair. Mairattour, our ſaid Soveraine Lord, with adviſe of the ſaidis Eſtaites of Parliament, conſidering that the Queene his deareſt Spouſe, is infeft and ſaiſed in the ſaid Lordſhippe of *Dumfermeline*, granted to her in Morning gift, as ſaid is, during her life-time; with tennentes, tennandries, ſervice of free-tennents, advocation, donation and richt of Patronage of Kirks, Benefices, and Chaplanaries perteining thereto. And that her Majeſtie is likewiſe infeft in lyerent, in the ſaid Earledome of *Fife*, and Lordſhippe of *Linlithcow*. And attour and beſide the ſame, in the thrid part of the propertie of the Realme of *Scotland*; and all Proventes, rentes and emolumentes of the ſame propertie, perteining to his Hieneſſe, or propertie of the Realme, all ratified and apprieved be his Hieneſſe and his Eſtaites of before in Parliament. And to the effect that the ſame may be the better preſerved from unprofitable diſpoſitiones, in time cumming; and his Hieneſſe, his Eſtaites and Realme the better relieved: Her Hieneſſe, with his Majeſties ſpeciall adviſe and conſent, hes nominate certaine perſones of his Hieneſſe privie Councell, Seſſion and Checker: They ar to ſay, *Alexander*, Lord of *Urquhart*, Preſident of the Colledge of Juſtice, *Walter*, Commendatar of *Blantyre*, Keeper of the privie Seale, Maiſter *John Lyndeſay* of *Balcarras*, Maiſter *James Elphinſtoun*, of *Inner-nochtie*, Maiſter *Thomas Hamiltoun* of *Drumcarnie*, *Alexander Hay* of *Eaſter-Kennet*, Clerk of Regiſter: And Maiſter *Peter Young* of *Sealoun* Eleemoſynar to his Majeſtie, to be alſwa of her Hienes Councell, in thinges tending to her honour and commoditie; inbringing and ſpending of her living; and in the adminiſtration of the affaires concerning the ſamin living, namelie in hearing of the compts thereof, and touching the paſſing of preſentation of Kirks and Benefices, Prebendaries, Chaplanaries, and Altarages: or Maiſters and Members of Hoſpitalles, quhairof her Hienes hes the gift and richt of Patronage. And in receiving and entring of free-tennentes, upon retoures, or *clare conſtat*, or upon reſignationes, or in granting of confirmationes: Or ſetting of tackes of landes, teyndes, or utheris poſſeſſiones, or making of quhat-ſum-ever diſpoſitions. Quhilkis Counſellers, hes maid faith to give her Hieneſſe their trew adviſe and counſell in the premiſſes: Like as her Hieneſſe, with adviſe of our ſaid Soveraine Lord her husband, for his intereſt, is weill contented: and hes promiſed in the word of a princeſſe, to follow the gude adviſe of her Hieneſſe Counſelloures in the premiſſes. And that ſhe ſhall not deteroriate her ſaid Morning gift, or uther her ſaid life-rent landes and living, be her deede and occaſion: And that na writ, evident or precept, that ſall be preſented there-anent, ſall be paſt their Majeſties hands, quhill the ſame be firſt ſeene, red and deliberatelie conſidered be her ſaid Councel, and ſubſcribed be them, at the leaſt foure of them conveened togidder: The ſaid Lord Præſident alwaies being ane, teſtifiand the matter to be lauchfull, and for her Hieneſſe honour and commoditie, without the quhilk her Majeſties ſeale ſall not bee appended nor affixed thereto: Nor the ſame writ, evident or precept ſall be of nane availe, force nor effect, to the Purchaſſer.

To

To the quhilkis, all and ſindrie premiſſes, OUR SOVERAINE LORD, with adviſe of his Eſtaites in this preſent Parliament, interponis his conſent and authoritie, ratifiand, allowand and apprievand the ſame for ever.

Sic ſubcribitur,
JAMES R.
ANNA R.

192. *Act anent the Burgh of* Forfare.

OUR SOVERAINE LORDE, underſtanding, that be acte and ordinance maid anent obſervation of the Sabboth-day, within this Realme: The Mercatte-daye of the Burgh of *Forfare*, being the head Burgh of the Schire, quhilk was Sundaye, is taken from them; And his Hieneſſe not willing that they in onie wayes ſuld be prejudged hereby: Therefore his Hieneſſe, with adviſe of the Eſtaites of this preſent Parliament, alteris and changis their ſaid Mercat-day, from Sunday to Friday, And willes the ſamin Fridaye, ouklie to be their Mercat-daye to them, in all times hereafter: And the ſamin to ſtande with the like Priviledges and freedomes, as the Sundaye did of before.

FINIS.

ANE TABLE

Of the

PARTICVLAR ACTES and utheris, maidbe KING JAMES the Sext, in this threttenth Parliament, the fifth of Junij; 1593. zeires, not imprinted.

1 *THE Decreete of reduction of the doome and foreſaltour, led and deduced againſt umquhill* John Lindeſay *of* Wauchop.
2 *Particular exceptions concerning new infeftments, with richt of Patronage.*
3 *For mending of the Calſay of the* Cannongate, *and outwith the Waterzet.*
4 *Ratification of the Priviledge of the College of Iuſtice.*
5 *Commiſſion to the Checker, anent deciding of ſuſpenſiones in the Kingis cauſe.*
6 *Commiſſion anent the Cuinzie.*
7 *Ratification of the liberties and Priviledges of Burrowes.*
8 *Act in favour of the Toun of* Edinburgh, *concerning the reparation of their* Tolbuith *and walles.*
9 *Act in favour of the Biſhoppe of* Aberdene, *anent the temporall landes thereof.*
10 *The diſſolution of the Parſonage and Vicarage of* Kirk-liſtoun.
11 *Commiſſion anent the Miniſters ſtipendes.*
12 *Anent the Kingis privie Councell.*
13 *Supplication of the Miniſter of* Dumfermeline, *remitted to the Queenes Majeſties Councell.*
14 *Ratification of the Earle* Marſchel, *anent the College of* Aberdene.
15 *Act in favour of the Earle* Marſchel, *anent the Haven of* Peter-head.
16 *Act in favour of* Andrew, *Lord* Stewart *of* Ochiltrie.
17 *Act in favour of the Laird of* Baſſe.
18 *Ratification of the Laird of* Edmond-ſtoun.
19 *Act in favour of* Colin Mak-kenzie *of* Kintaill.
20 *Act in favour of the Duke of* Lennox, *anent the ſuperioritie of the Biſhoppricke of* Saint-Andrewes, *and* Glaſgow.
21 *Confirmation of the Burgh of* Aberdene *of their annualles.*

FINIS.

THE FOURTENTH PARLIAMENT,

Halden at Edinburgh, *the aucht day of Junij, the zeir of God, ane thousand, five hundreth, fourscore fourtene zeires. Be the richt excellent, high, and michtie Prince, JAMES the Sext, be the grace of God, King of SCOTTES; With advise of his Estaites as followis.*

193. *Against willfull hearers of* Messe.

OUR SOVERAINE LORDE, With advise of his Estaites of Parliament, statutis and ordainis, that in all time cumming, all willfull hearers of *Messe* and conceilers of the same, bee execute to the death, and their guddes and geare escheitted to his Hienes use, sa soone as they sall be founde guiltie and convict thereof, or declared fugitive for the same, before the Justice Generall, or his deputes, or the Lordes of his Majesties privie Councell.

194. *Anent satisfaction to the Kirk be* Papistes.

OUR SOVERAINE LORD, With advise of his Estaites in this present Parliament; Ordainis all Presbyteries within this Realme, to cause lauchfully summound, and charge quhat-sum-ever persones *Papistes*, or suspected of *Papistrie* within the boundes of their Presbyteries, personally, or at their dwelling places, To compeir before the saidis Presbyteries, and satisfie the Kirk and Presbyterie, quhair they remaine and makis residence, betuixt and the first daie of *August* nixt-to-cum: And in-case of their not-compearance, or compearing, sall refuse to give odedience and make satisfaction, as said is, betuixt and the said day; His Hienesse with advise of his Estaites foresaidis, ordainis signification thereof, to be maid be the Presbyterie to his Hienes privie Councell: and upon the said signification, the privie Councell to direct letters, chargeing the saidis persones *Papistes*, or suspected of *Papistrie*, to compeir before them, and produce sufficient testimoniall of the Presbyterie quhair they remaine, of their satisfaction as said is, under the paine of rebellion, and putting of them to the horne: And gif they failzie, to denunce them thereto: Bee the quhilk denunciation, our saide Soveraine Lorde and the Estaites foresaid, declares that not only their moveable guddes, shall fall in escheit, and be confiscat to his Hienes use; but the lyfe-rent of quhat-sum-ever their landes, rowmes, possessiones, and utheris belanging unto them, sall appertaine to his Hienesse as escheitte: To be intromett-with, and disponed upon, as he thinkis gude. And in like maner declaris; that quhat-sum-ever person or persones sall receipt, supplie or interteine the saidis *Papistes*, after the intimation of their disobedience, and denunciation, as said is, sall incurre the same penaltie of tinsell of ther guddes, geare, and life-rent: And to the effect that the premisses may be the better accomplished: His Hienesse and Estaites foresaidis declaris; that in-case the saidis Presbyteries, beis found remisse or negligent in citation of the saidis Persones before them, to the effect abone written: The Ministers of the said Presbyterie, or onie ane person of the Ministerie thereof, in quhom the fault sall be tryed, sall amit and tyne the ane halfe of their benefice or stipend that zeir: And the Collectour and his depute, sall up-lift the samin, to be disponed be the advise of the Lordes, modifiers of the Ministers stipends, to the help, supplie, and interteinement of uther Ministers, as yet not provided to sufficient stipendes.

195. *Against erectiones after the Annexation.*

OUR SOVERAINE LORD, With advise of his Estaites in Parliament, retreatis, rescindis, and declaris, all erectiones granted and ratified, sen the acte of Parliament, maid in the zeir of GOD, ane thousand, five hundreth, four-score seven zeires, anent the annexation of the Temporalities to the Croun (quhilkis ar not speciallie excepted in the said acte, from the said annexation) to be null and of nane availe, force nor effect.

196. *For provision of commoun Kirkes.*

OUR SOVERAINE LORD, And his Estaites in this present Parliament, decernis and declaris, all commoun Kirkes to be of the same nature of uther Parsonages and Vicarages: And ordainis the same commoun Kirkes to be conferred be presentation of the lauchfull Patrone, and sufficient collation to Ministers, serving thereat, seeing they ar benefices of Cure.

197. *Anent*

197. *Anent eſcheittes and life-rentes of Excommunicate perſones.*

FORSAMEIKLE As there is diverſe perſones denunced Rebelles, quha being ſuſpected of *Papiſtrie* of before, and fearing the ſentence of Excommunication to have followed againſt them, hes procured the gifts of their eſcheittes and life-rentes, diſponed be our Soveraine Lorde, to their bairnes or utheris conjuncte perſones, upon hornings execute againſt them for civil cauſes. And nevertheleſſe hes reteined the poſſeſſion of their haill guddes, geare, landes, poſſeſſiones, as gif they had remained his Hienes faithfull and obedient ſubjectes, quhilk hes given them occaſion to continew in their rebellion: as alſwa in their ſuperſtitious opinion of *Papiſtrie*, and remaining under the ſaid ſentence of excommunication, in manifeſt contempt of God his trew religion, and Lawes of this Realme. For the repreſſing of quhilkis contempt and remeid theirof: our ſaid SOVERAINE LORD, with adviſe of the Eſtaites in this preſent Parliament, decernis and declairis all and quhat-ſum-ever giftes of eſcheittes and life-rentes, granted to the ſaids bairnes and conjunct perſons of ony of the foir-named perſones, denunced rebels and put to the horne, for quhat-ſum-ever cauſe (quha being ſuſpected of *Papiſtrie* of before, hes ſuffered the ſentence of excommunication to paſſe againſt them: and quhais guddes, geare, lands and poſſeſſions may be verified to have remained in their awin poſſeſſions, as gif they had remained faithfull and obedient ſubjectes) to have bene fra the beginning, and to be in all time cumming, null and of nane availe, with all that hes followed, or may follow their-upon: Notwithſtanding quhat-ſum-ever decreites or declaratours given and paſt in favour of the ſaids rebelles, their bairnes or conjunct perſones; and the richt of the ſaid eſcheit guds, gear, and life-rentes, to have perteined, and to perteine to our ſaid Soveraine Lord, and to be at his gift and diſpoſition, als freelie as gif the ſaids pretended giftes and diſpoſitiones thereof, had never bene granted nor diſponed to their ſaidis bairnes and conjunct perſonis, and as declaratour had not paſt their-upon.

198. *For the better obſerving of the Sabboth-day.*

ITEM, OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, ratifies and apprevis the Actes maid be his Hienes of before, anent the diſcharging of halding of mercattes upon the Sabboth-day, with this addition; That quha-ſoever prophanis the Sabboth-day be ſelling, or preſenting and offering to be ſauld upon the ſaid day, ony guddes, or geare, or quhat-ſum-ever merchandiſe be themſelves or anie uther in their name, and beis three ſeverall times lauchfullie convict theirof; ather before the Proveſt and Baillies within Burgh, quhair the prophanation ſall happen to be committed, or before certaine commiſſioners, and Juſtices in every Presbytery, to be appoynted be the Kings Majeſtie, with adviſe of his privie Councell, their haill guddes and gear ſall be eſcheitted to his Majeſties uſe, and their perſones puniſhed at the will of his Majeſtie, with adviſe of his ſecreit Counſell.

199. *For reliefe of them, quhais landes are, or ſall be deſigned for Manſes and Glebes to Miniſteres.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, underſtanding that there are ſindry ſewares and poſſeſſors, having Kirk-landes neir adjacent to the Kirk, quhair their hes bene na manſes nor gleibe of auld, nor zit deſigned of new; and conſiddering, that it were baith againſt reaſon and gude conſcience; that their ſuld be ane gleibe deſigned onelie of the ſaidis Kirk-landes, that perteinis to ane ſewar and poſſeſſour, and not of the reſt; and ſpeciallie quhair the haill Lands within the Parochin, or ane great part of the ſaidis lands are alike halden of the Kirk, and payis the like dewtie.

THEREFORE to the effect, that the Miniſters may be the better anſwered of their manſes and gleibes in time cumming, and enter theirto but onie trouble or contention, conforme to the former Acte of Parliament, maid anent Manſes and Gleibes of the Miniſters, ſtatutis and ordainis, that quhair deſignation of Manſes and Gleibes beis maid and tane of Kirk-land, (the haill Parochin, or ane greate part thereof being Kirk-land: And the Miniſter notwithſtanding deſigned to the Kirk-land, maiſt eweſt and adjacent to the Kirk) That the ſewars, poſſeſſours and tackeſ-men, out of quhais landes, the Manſes or Gleibes are deſigned; ſall have their reliefe of the remanent Parochiners, quha are ſewars, poſſeſſours, and tackeſ-men of Kirk-landes, lyand within the ſaide Parochin *pro rata*.

200. *Anent ſetting of tackes without conſent of the Patrone.*

OUR SOVERAINE LORDE, With adviſe of his Eſtaites in this preſent Parliament, findis and declaris: That na beneficed man under a Prelate, within this Realme, may in time cumming, ſet langer tackes of teindes, or utheris pertinentes of their benefices, without the conſent of their Patrones, bot for the ſpace of three zeires allanerlie.

201. *Annulling of Actes of Parliament maid in favour of Vaſſalles of perſones foir-falted.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, caſſis, annullis, and abrogates the Acte of Parliament, maid at *Edinburgh* the firſt day of *Junij*, the zeire of God, ane

thousand, five hundreth, foureſcore twelve zeiris, in favour of the Vaſſalles of the perſones foirefalted, and decernis and declaris the ſaid Acte to have na ſtrength, force, nor effect, and to be deleit furth of the buikis of Parliament.

202. *Anent fraudfull diſpoſitiones maid be perſones forefaulted.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, underſtanding that diverſe perſones, quha hes committed the crime of treaſon and Leſe-majeſtie; In defraud of his Hieneſſe, and his Donatoures, hes maid diverſe Bandes, obligationes, letters of tacks, aſſignationes, giftes of penſiones, letters of factourie, and diverſe uther giftes and diſpoſitiones: as gif the ſame had bene maid and granted be them, before the crime of treaſon attempted, be the ſaides perſones fore-faulted: For remeid quhairof, it is ſtatute and ordained, that nà letters of penſion, factourie, bands, obligationes or aſſignationes; maid or granted be onie perſon forefaulted, ſall be valide, effectuall, ſufficient, nor give onie action without the ſamin, be ather lauchfullie confirmed be his Majeſtie, or authorized be ane decreete of ane ordinar judge, obteined before the ſaidis perſones fore-faulted, were firſt ſummounde, and challenged for the crimes of treaſon, for the quhilkis they were forefaulted; Notwithſtanding quhat-ſum-ever confirmation or decreit obteined and following thereupon, ſen their ſaid citation, upon the crimes of treaſon, laide to their charge.

Ratification of the act anent the Bullion.

OUR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, ratifies and appreivis, the actes maid alſweill be his Majeſties maiſt Noble Progenitoures, as alſwa in his awin time, anent the hame-bringing of Bullion. And to the effect that the mair diligence may be done, for in-gaddering thereof, alſweill for byganis as in time cumming, the Theſaurar, his deputes and uthers admitted to the cure thereof, to make compt and reckoning to the auditoures of the next checker, and ſiklike in time cumming.

203. *Ratification of the actes maid for annexation of the propertie, and annulling of the diſpoſitiones maid in Princes minorities.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ratifies and appreevis the Actes of Parliament, maid bee King *James* the Second; And King *Iames* the Fifth, intitulate, *Anent the annexation of Landes to the Crown:* And ſpeciallie, the act maid be the ſaid King *Iames* the Second, upon the fourth daye of *Auguſt*, ane thouſand, foure hundreth, fiſtie five zeires. And als ane uther Act, maid be the ſaide King *Iames* the Fifth, upon the thrid daye of *December*, the zeir of God, ane thouſand, five hundreth, and fourtie zeires, and haill poyntes, artickles and clauſes ſpecified therein: And all uthers actes, maid be onie our Soveraine Lordis Predeceſſoures, concerning the keeping of the annexed propertie to remaine with the Crown. And further, our ſaid Soveraine Lord, with adviſe of his Eſtaites in Parliament, declaris, that all perſones quha hes uplifted, received, and intromitted-with, or ſall hereafter intromet-with, at his Hienes ſpeciall command, onie of the Kingis annexed propertie, be vertew of the ſaidis Actes of Parliament, ſall incurre na daunger of ejection, ſpuilzie, or wrangous intromiſſion: And declaris, that they ſall be quite and free thereof, and all action that may followe there-upon. And ſik-like, our Soveraine Lord and Eſtaites in this preſent Parliament, findis, decernis, and declaris the Act of diſſolution, maid be our Soveraine Lord in his Hienes minoritie; In the Parliament halden at *Edinburgh*, in the zeir of God, ane thouſand, five hundreth, fourſcoire foure zeirs, and all uther acts of diſſolution maid be his Hienes, or his ſaids Predeceſſours in their minorities, althocht the ſamin Actes and infeftmentes following thereupon, be ratified in Parliament in their majoritie, To be null and of nane availl, force nor effect, with all that hes followed, or may follow there-upon.

204. *Generall diſſolution of the propertie.*

OUR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, Statutis and ordainis, that it ſall be leaſum to his Hienes, to ſet all his auld proper landis, baith annexed. and un-annexed in few-ferme, ſa that it be nocht in diminution of the rentall, gerſſummes or uther dewties, bot in augmentation of the ſamin, with ſik clauſſes and conditionis, as he thinks expedient to the effect foreſaid, and that the Landes that he ſettis in his time; ſtand perpetually to the aires after the forme of their condition, and that this diſſolution indure for the life-time of the King our Soveraine Lord, that now is allanerlie. Swa that the Landes quhilkis he ſettis in his time, with the conditiones foreſaidis, ſall ſtand perpetuallie. And after his deceaſe the annexationes maid of before, to returne againe to the awin nature. Swa that his Succeſſours ſall not have power to annalie nor ſet in few, mair nor they had before the making of this ſtatute. Providing, that this ſtatute ſall not extend to the ſetting in few-ferme of onie of our Soveraine Lords Caſtelles, Palaces, zairdes, wooddes, parkes, forreſtes, paſtures for ſcheip and nolt, and in ſpeciall, the *Lowmondes* of *Falkland*, coal-heuches, & offices. Bot the ſame to remane inſeperablie annexed to the Crown, notwithſtanding this preſent diſſolution. And OUR SOVERAINE LORDE and his Eſtaites foreſaidis, decernis and declaris, that this preſent diſſolution, is, and ſall be only to this effect, that the ſaidis annexed lands ſall be ſett in few, to the

the auncient and kindly tennentes, poſſeſſours and occupiers of the ground, quha wer inſeſt be OUR SOVERAINE LORD, and his predeceſſoures of befoir, and to all utheris perſones, quhilk hes heritable infeſtment of few-ferme, granted to them be our Sovereaine Lord, or ony of his predeceſſoures, they ſeikand their infeſtmentes of few-ferme, and payand their compoſitiones theirfoir, to be modified be his Hienes Comptroller, with adviſe of *John*, Lord of *Thirleſtane*, Chancellar, *John* Earl of *Mar*, Lord *Erskin*, *John* Earl of *Montroſe*, Lord *Grahame*, *Alexander* Lord *Levingſtoun*, *Robert* Lord *Seatoun*, *Mark* Lord of *New-bottle*, Maiſter of requeſtes, Maiſter *Thomas Lyon* of *Balduky*, Theſaurer, Sir *John Cokburne* of *Ormiſtoun* Knicht, Juſtice Clerk, *Walter* Commendatar of *Blantyre*, keiper of the privie ſeale, Maiſter *Robert Dowglas* Proveſt of *Lincloudon*, Collector General, Sir *John Carmichaell* of that ilk Knicht, Maiſter *David Carnegy* of *Culluthy*, *Alexander Hay* of *Eaſter Kennet*, Clerk of Regiſter, *Alexander Hume* of *North-berwik Maines* Proveſt of *Edinburgh*, or onie ſeven of them; The ſaid Comptroller alwaies being ane, betuixt and the firſt day of *Auguſt*, the zeir of God, ane thouſand, five hnndreth, foure ſcoir, fiftene zeires. Utherwaies, that it be lauchfull to his Majeſtie, to ſet the ſaidis annexed landes, now diſſolved to quhat-ſum-ever perſons his Hienes thinkis expedient. Alwaies on condition of augmentation of his Hienes rentall as ſaid is. And alſwa ordainis, this preſent act of diſſolution, to be extended in favour of the Queenes Majeſtie, to have ſik richts and infeſtments of quhat-ſum-ever landes perteining to her, as ſhe had of before.

205. *Anent leeſing-makers and authoris of ſlaunders.*

OUR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament, ratifies, aprievis, and for his Hienes and his ſucceſſours perpetuallie confirmis the Act, maid be his nobil Progenitors, King JAMES the Firſt of worthy memorie, againſt leeſing makers, the Act maid be King JAMES the ſecund, Intitulat, *Againſt leeſing makers and telleris of them:* The act maid be King *James* the Fifth, Intitulat, *Of leeſing makeris*, and the Act maid be his Hienes ſelfe, with adviſe of his Eſtaites in Parliament, upon the twentie day of *Maij*, the zeire of God, ane thouſand, five hundreth, foureſcore foure zeires, Intitulat, for the puniſhment of the authors of ſlaunders, and untrewe calumnies againſt the Kingis Majeſtie, his Councell and proceedinges, to the diſhonour and prejudice of his Hieneſſe, his Parentes, Progenitoures, Crown and Eſtait: As likewiſe, the Act of his Hienes Parliament, halden at *Linlithcow*, upon the tenth day of *December*, the zeir of God, ane thouſand, five hundreth, foureſcore five zeires, Intitulat, *Againſt the authoures of ſlaunderous ſpeachis or writtis*. And ſtatutis and ordainis all the ſaidis Actes to be publiſhed of new, and to be put in execution in time cumming, with this addition. That quha ever hearis the ſaids leeſings, calumnies, or ſlanderous ſpeaches or writtes to be maid, and apprehendis not the authours theirof, if it lye in his power, or reveilis not the ſame to his Hieneſſe, or ane of his privie Councell, or to the Schireffe, Stewart, or Baillie of the Schire, Stewartes in Regalitie or Royaltie, or to the Proveſt, or ane of the Baillies within Burgh, be quhome the ſame may cum to the knawledge of his Hieneſſe or his ſaide privie Councell, quhair-throw the ſaid leeſing makers, and authors of ſlanderous ſpeaches may be called, tryed, and puniſhed according to the ſaidis Actes. The hearer and not apprehender, and (gif it lye in his power) conceiler and not reveiler of the ſaids leeſing makers, and authors of the ſaidis ſlanderous ſpeaches or writtes, ſall incurre the like paine and puniſhment, as the principall offendour.

206. *Anent payment of the dewtie of the wines.*

IT Is ſtatute and ordained be our Soveraine Lord, and Eſtaites of this preſent Parliament, that the dewtie granted be the Eſtaites to his Majeſtie, upon the Wines, be thankfullie payed to his Majeſties Collectour in all time cumming, within the ſpace of ten dayis nixt efter their arriving within this Cuntry. And to this effect, ordainis the Proveſt and Baillies of ilk Burgh, within quhais bounds and juriſdiction ony wines ſall arrive in time cumming, to take ſufficient caution and ſoverty of the Merchandes, Mariners, and utheris hame-bringeris of the ſaidis wines, that they ſall thankfullie pay the ſaid dewtie, granted to our Soveraine Lord theirof, within the ſpace foirſaid, to his Hienes Collectoures appointed for in-gathering theirof. And heire-upon ordainis letteris to be direct, gif neid beis, baith to chairge the ſaids Proveſt and Baillies, to tak the ſaid caution, as alſo, ather to chairge the caution, or then the hame bringeris, at the pleaſure of the Collectour, to make payment of the ſaid dewtie to his Hienes, within the ſaidis ten dayis nixt, after their arriving within this Realme, under the paine of Rebellion; And gif they failzie theirin, the ſaids ten dayes being by-paſt, to denunce them rebelles, and put them to the horne, and that they be not relaxed theirfra, unto the time they pay the double of the ſaid dewtie, to the Collector for their contemption.

207. *Annulling of penſiones furth of the erectiones, ſen the annexation.*

OUR Soveraine Lord, with adviſe of his Eſtaites in this preſent Parliament, hes united, annexed, and incorporat; and be the tenour of this preſent act unitis, annexis, and incorporatis, in his Hienes patrimonie and to his Crown, to remaine theirwith inſeparably in all time cumming, all and ſindrie the few mailles and blenche dewties of all Landes, Lord-ſhips, and Barronnies, quhilkis perteined of auld to quhat-ſum-ever benefice within this Realme, and have bene erected in temporal livingis befoir, or ſen the Act of annexation maid in *Julij*, 1587. zeires: And therefoir have caſſed and annulled, and be the tenour heirof caſſis and annullis

annullis all and quhat-ſum-ever penſiones, and uther diſpoſitiones, maid be his Majeſtie heirtofore, ſen the ſaid Act of Annexation, to quhat-ſum-ever perſon or perſons, of ony part or pertinent thereof, or of ony temporalities of vacand benefices fallen in his Hienes hands at onie time, ſen the ſaid Act of Annexation, and that be eſteemed in all time cumming null, and of nane availe, notwithſtanding quhat-ſum-ever confirmation or grante thereof in Parliament, or uther-wayes.

208 *Anent ſoverties for Officiares of armes.*

ITEM, Becauſe that the ſoverties of all Officiares of armes, admitted be *Lyon* King of Armes, are found to him and his Clerk: It is therefore ſtatute and ordained, that they be charged twiſe in the zeire, to produce their buikes of ſoverties; To the effect OUR SOVERAINE LORDE and his Theſaurar bee nocht defrauded of the halfe of the penalties, for the deprived officiars, and this to be uſed of the Theſaurar in ſik ſort as the Schireffe-Clerks ar ordained to produce their hornings, to the effect that execution may follow there-upon. And the Theſaurar to be charged with his receipt of the foreſaids penalties in his comptes. And further, ordainis all the ſaidis Officiars, that hes not found ſufficient caution for dew adminiſtration in their office, or quhais cautioneris are deceaſed, or are not ſufficient to find caution of new, betuixt and the firſt day of *Auguſt* nixt-to-cum, utherwiſe, the not finding of the ſaid caution is preſentlie declaired to be cauſe of their deprivation. Quhilk deprivation ſall be immediatlie publiſhed at the Mercat croce of the Schirefdomes, quhair the ſaidis Officiars remainis; and all their executions, fra thence furth to be un-authentik and null.

209. *For tryall of the trueth of acquittances, in ſuſpenſiones.*

OUR SOVERAINE LORD, With adviſe of his Eſtaites in this preſent Parliament, underſtanding that in times by-gane, his Hienes, and his Theſaurar hes bene greattumlie præjudged, anent the eſcheittes of ſik perſonis as hes bene ordourly denunced Rebelles and put to the horne, and that throw colluſion of parties, after their lauchfull denunciation, the eſcheittes being cum in his Hienes hands, aggreis with the parties, at quhais inſtance they are denunced, and intendis reduction againſt the partie, the Kingis Theſaurar and Advocate, for annulling of the proces of horning, and denunciation led againſt them, and obteinis decreit thereintil, be production of ante-daitted diſcharges and acquittances, as gif the ſummes, or cauſe they were charged for, had bene payed, done, and fulfilled, lang before the denunciation. For remeid quhairof, It is ſtatute and ordained, that quhen-ſoever onie partie groundis their reaſons of ſuſpenſion or reduction, for annulling of hornings, upon payment or ſatisfaction maid before the denunciation, and producis acquittances or diſcharges there-upon; the producer thereof, ſall bee halden in preſence of the Lords, to make faith ſolemnedly ſworne, that the acquittances and diſcharges produced are trew in themſelfis, maid and ſubſcrived, of the ſamin dait as they wer produced: utherwayes the uſers of the ſaids acquittances not to be heard, to ground ony reaſons of ſuſpenſions for annulling of hornings upon ſik acquittances and diſcharges, nor to uſe the ſame, againſt his Hienes and his Theſaurar.

210. *Anent haning of the Kingis Parkes and Forreſtes, and increaſe of wilde foull and venniſon.*

OUR SOVERAINE LORDE, And his Eſtaites in this preſent Parliament, fore-ſeing that his haill Wooddes, Forreſtes, Parkes, Hanynges, Da, Ra, Harts, Hynds, fallow deir, pheſant, foulles and utheris wild beaſtes within the ſame, are greattumly deſtroyed, and dailie decreſſis, be reaſon the Actes and ſtatutes, quhilk are ſet downe againſt the deſtroyers of the ſaids Woods, Forreſtes, Parkes, Hanynges, and ſlayeris of the ſaidis wyld beaſtes, hes not bene put to execution: Swa that all men hes tane libertie to deſtroy and ſlay at their awin appetites. For remeid quhairof, and better interteinement of his royall paſtime in time cumming: It is ſtatute and ordained, that quhat-ſum-ever perſon or perſones, at onie time heiraſter, ſall happen to cut onie timmer or greene-wood within his Hienes Wooddes or Parkes, or ſall happen to ſlay deir, harts, pheſants, fouls, partricks, or uther wild-foull quhat-ſum-ever, ather with gun, croce-bow, hand-bow, dogges, halkes, or girnes, or be uther ingine quhat-ſum-ever, within the ſame: or that beis found ſchutting with ony gun theirin, without ſpecial licence and tolerance of his Majeſtie, had and obteined theirto, or that ſlayis onie of his Hienes Deir, ſtrayand in time of ſtormes to barne zairds, or uther pairtes maiſt eweſt ſeikand their fude: or beis foundand tryed till have ſchot with hagbut in the winter nicht, within onie of the foirſaidis wooddes or parkes, or within the ſpace of ane mile theirabout, quhidder they be apprehended ſlayand the Deir or not, that their haill guddes, and gear ſall be eſcheit and inbrocht to his Hienes uſe, and their perſones puniſhed at his Hienes will, and this to be ane ordinar point of dittay, and the offender to be criminallie accuſed heiron, in all times hereafter. And alſo, It is ſtatute and ordained, that gif onie perſon or perſons, ſall happen to put onie of their guds within the ſaids woods, forreſts, parkes or hanings, the ſame ſall be confiſcat and eſcheitted. And that it ſall be leiſum to the keeperis, to intrometh their-with, at their awin handes, but onie further proces of Law, and they to be frie of all danger and action, that in onie wiſe may follow and enſew their-upon, the ane halfe to be employed to OUR ſaid SOVERAINE LORDIS

uſe,

uſe, and the uther halfe to the Foreſters and keipers. And likewiſe, it is ſtatute and ordained, that no perſon nor perſones ſall hunt nor halke, within the boundes of ſex miles to onie of his Hienes Woods, Parkes, Caſtelles, and Palices. And in-caſe ony doe in the contrair, that ilk perſon contraveening, ſall pay the ſumme of ane hundreth pounds money, the ane halfe thereof to the delatoures of them, and the uther halfe to his Hienes uſe. And als, quhat-ſum-ever perſon ſall be deprehended, or tryed till have ſlane hartes, or onie kinde of wilde foule in ſnaw, or onie uther time with gunnes or girnes, or zit beis found to have ſhot at duik, draik, or ony uther wilde-foul with ane hagbut, within onie part of this Realm, that they ſall be ſubject to the foreſaid penaltie of ane 100. pounds. And in-caſe they, or onie of them beis not reſponſall, to be puniſhed in their perſones, at his Hienes will and pleaſour.

211. *Anent the Privileges of the College of Juſtice.*

OUR SOVERAINE LORDE, With adviſe of his Eſtaites in Parliament, ratifies, apprievis and confirmis all and quhat-ſum-ever privileges, liberties, and immunities, granted of before be his Majeſtie, and his maiſt noble Progenitoures, to the Chancellar and haill Senatoures, baith Spiritual and Temporall, and members of the College of Juſtice, for maintenance of them in their perſones, honoures, and dignities, and for bruiking of their landes, rents, Benefices and penſions, in ſik forme as is conteined in the firſt erection of the ſaid College, and as they and their Predeceſſours hes bruiked and poſſeſſed ſenſine, conforme to the Ratification thereof in Parliament, or in onie uther Acts, Lawes, Statutes, maid be his Majeſtie, or his Predeceſſoures, in favoures of the ſaid College, Senatoures and members thereof, in all poyntes: Notwithſtanding quhat-ſum-ever Actes, or conſtitutions that may appeare to derogate fra the ſame.

212. *Anent the declining of the Senatours of the College of Juſtice, quha ar Father, Brother, or Sonne to the parties.*

OUR SOVERAINE LORDE, With adviſe of his Eſtaites in this preſent Parliament, ſtatutis and ordainis, that na Senatoures of the College of Juſtice, ordinar or extraordinar, ſall ſit, or vote in onie action or cauſe intended, or to be intended before them, quhair the parties perſewer or defender, is aither their Father, Brother, or Sonne: ſwa that the Father ſall in na wiſe be Judge in the Sonnis caſe, the Sonne in the Fathers caſe, nor the Brother in the Brothers, bot be declined therein.

213. *Anent the beginning of the Harveſt vacance.*

OUR SOVERAINE LORDE, With adviſe of the Eſtaites of Parliament, conſidering the great ſkaith that the Lieges ſuſteinis, throw ſitting of the Seſſion, after the firſt day of *Auguſt*, harveſt being in monie partes of the cuntrie, alreadie then begun. And underſtanding that the Lordes of Seſſion, are content during the haill Summer Seſſion, to enter in the Tolbuith, and call maters daylie at aucht houres, quhair as their ordinar diet was not quhill nyne: Thereſoir ſtatutis and ordainis that the harveſt vacance ſall begin the firſt day of *Auguſt*; And the Seſſion to ſit bot the laſt day of *Julii incluſive*.

214. *That nane ſall be compelled to produce procuratories or inſtrumentes of reſignation, precepts of* clare conſtat, *or uther precepts of ſaiſing of Lands or annual-rents, poſſeſſed be them befoir the ſpace of fourtie zeiris.*

OUR SOVERAINE LORD, And Eſtaites of this preſent Parliament, underſtanding that ſindrie of his Hienes Lieges, are heretablie infeft in divers lands, and annual-rents within this Realme, like as their predeceſſoures and authores, fra quhome their richts theirof proceidis, hes bene heretablie infeft in the ſamin Landes & annual-rentes: And be vertew of their ſeveral infeftmentes, & life-rentes theirin reſerved, they and their Predeceſſoures and authoures, hes bruiked the foirſaidis landes and annual-rentes be the ſpace of fourtie zeires togidder: Notwithſtanding quhairof, the ſaids infeftmentes, maid and granted to them and their Predeceſſours and authoures, are ſundrie times drawen in queſtion, for laik and want of procuratories of reſignation, inſtruments of reſignation, precepts of *clare conſtat*, or utheris precepts of ſaiſing, quhilkis are not extant to be produced and uſed, in reſpect that the ſamin are tynt and amitted, partlie be iniquitie of time, partlie be periſching of protocolles and ſcrolles of notares: partlie for none-delivering of the ſamin, be the perſones, ſellares, and diſponeres theirof: pairtlie becauſe the evidents of compriſed Landes uſes to be abſtracted and with-halden upon malice of pairties: and pairtlie, as evidentes not thocht neceſſare to have bene keiped, after ſa lang time: Be reaſone that the chartoures makis mention of the procuratories and inſtruments of reſignationes, and inſtruments of ſaiſing makis mention of the preceptes of ſaiſing, quhair-upon the ſamin proceides. For remeide quhairof, OUR ſaid SOVERAINE LORD, with adviſe of his ſaidis Eſtaites, and haill bodie of this preſent Parliament, findis, decernis, and declaris, that nane of his Hienes Lieges, may be compelled, after the ſpace of fourtie zeires, to produce procuratories or inſtrumentes of reſignation, precepts of *clare conſtat*, or utheris precepts of ſaiſing of landes, or annual-rentes, quhairof

quhairof the preſent heretable poſſeſſours and their predeceſſoures, and authoures, and utheris perſons be vertew of life-rentes reſerved in the ſaidis infeftments, are, and was in poſſeſſion be the ſpace of fourtie zeires togidder, and that the wanting and in-laik theirof, nor nane of them, ſall be na cauſe of reduction of the infeftments granted to the proprietares, or their Predeceſſoures or authores of the lands or annual-rentes, quhairof the charter or charters (makand mention of the reſignation or reſignations to have bene maid, and the inſtrumentes of ſaiſing, makand mention of the preceptes of ſaiſing, be vertew quhairof, the ſaiſings wer given) are extant. And willis, ſtatutis, and ordainis, that this Act ſall be extended to all procuratories, and inſtruments of reſignation, precepts of *clare conſtat*, or uthers precepts of ſaiſings, the wanting and inlaik quhairof, nor nane of them, ſall be na cauſe of reduction, nor uther quarrell quhat-ſum-ever, after the ſpace of fourtie zeires, quhair infeftments hes tane effect be poſſeſſion, be the ſaid ſpace of fourtie zeires, in maner abone rehearſed, and quhair the charters and inſtrumentes of ſaiſing are extant, as ſaid is.

215. *Ratificationes in this Parliament to be*, Salvo jure cujuſlibet.

OUR SOVERAINE LORD, And his Eſtaites of this preſent Parliament, decernis and declairis, that na ratification granted in favour of particular parties in this preſent Parliament, ſall be hurtfull or prejudicial to onie of the Lieges of the Realme, not heard nor ſpeciallie called thereto, bot all the ſaidis ratifications ſall be underſtand and interpreted, *Salvo jure cujuſlibet.*

216. *Anent the bying of landes and poſſeſſiones dependand in pley, be Iudges or members of Courtes.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ſtatutis and ordainis, that in time cumming, it ſall not bee leiſum to onie Lordes of the Seſſion, ordinar, or extraordinar, Advocates, Clerkes, Writers, their ſervandes, or onie uther member of the College of Juſtice, or onie inferiour judgementes within this Realme, their Deputes, Clerkes, or Advocates, directly or indirectly, be themſelves, or onie utheris in their names, to their behoove or utilitie: To bye onie landes, teyndes, rowmes or poſſeſſiones, quhilkis ar dependand in controverſie or queſtion betuixt onie parties, or hes bene dependand, and not as zit decided: Quhilkis gif they, or onie of them do, and contraveenis the premiſſes: The ſaidis Lordes of Seſſion, Advocates, Clerkes, Writters, their ſervandes, or onie uther member of the College of Juſtice, or onie inferiour judgementes within this Realme, their Deputes, Clerkes, and Advocates, ſall amit and tine their office, place, and all Priviledges and immunities bruiked, or that may be bruiked be them, be vertue thereof.

217. *That caution be found in actiones of ejection.*

OUR SOVERAINE LORD, With adviſe of the Eſtaites of this preſent Parliament, underſtanding the great diſordour, quhilk hes riſen, and dailie dois ariſe amongſt his Hieneſſe lieges, quhairas perſones wrangeouſlie intruſing themſelves in the rowmes and poſſeſſiones of utheris, be bangſtrie and force, being altogidder unreſponſal themſelves, mainteinis their poſſeſſion thereof: And quhen they ar challenged before the Lords of the Seſſion, or uther Judges ordinar, be the partie grieved; The perſones intruſers of themſelves in ſik poſſeſſiones, delayis the mater, be proponing of peremptour exceptions, quhilk ar not of veritie, and delayes upon the probation thereof; And after lang pley, quhen as the partie grieved hes gotten decreete, ordaining him to be repoſſeſſed to his rowme and profites thereof, his pairtie being unreſponſal altogidder, gettis na commoditie thereof: For remeid of the quhilk; It is ſtatute and ordained, that in all time cumming, the partie perſewed be ane uther for ejection, ſall finde caution for the violent profites, as in cauſes of remooving, the firſt diet of the *Litiſ-conteſtation*, or utherwaies decreete to be given, ordainand the partie to be repoſſeſſed.

218. *For conſideration of articles to be proponed in Parliament.*

OUR SOVERAINE LORDE, And his Eſtaites in this preſent Parliament, having conſiddered the great faſcherie and inconvenience at ſindrie Parliamentes, throw preſenting of a confuſed multitude of doubtfull and informal articles, and ſupplicationes: For remeid theirof in time cumming, ſtatutis and ordainis, that quhen ever the Parliament is appoynted and ordained to be proclamed, there ſall ane convention be appoynted, of foure of everie eſtaite, to meete twentie dayes before the Parliament, to receive all maner of articles and ſupplicationes concerning general Lawes, or tuitching particular parties: Quhilks articles and ſupplicationes, ſall be delivered to the Clerke of Regiſter, and be him preſented to the perſones of the Eſtaites, to be conſiddered be them; To the effect that thinges reaſonable and neceſſary, may be formallie maid and preſented in an buik to the Lordes of the articles in the Parliament time; and all impertinent, frivolous and improper maters rejected: And that na artickle or ſupplication, wantand a ſpeciall title, or unſubſcribed be the preſenter, ſall be red or anſwered in that convention, or Parliament following the ſame: It is alwayes provided, that his Majeſtie may preſent ſik artickles, as he thinkis gude, concerning himſelfe, or the commoun weill of the Realme, at all times when he thinkis expedient.

219. *Anent*

219. *Anent ſlauchter, and troubling of parties in perſute, and defenſe of their actiones.*

OUR SOVERAINE LORD, having conſideration of the manifauld oppreſſiones done within this Realme, and for the maiſt parte occurring betuixt parties contending in Juſtice, be proud and undantoned braggers, boaſters and oppreſſoures: And underſtanding that there was ane acte of Parliament, maid of lang time by-paſt; Firſt in the daies of umquhill *Marie*, Queene Dawager, his Hieneſſe Gud-dame, of worthie memorie, quhilk wes onelie Temporall, for the ſpace of three zeires nixt following; and approven be his Hieneſſe in his Parliament halden at *Edinburgh*, in the Moneth of *Maij*, ane thouſand, five hundreth, fourſcore four zeires; quhairby it was found and declared, that if ony perſon, ather perſewer or defender, ſuld happen to ſlaie or wound to the effuſion of bloud, or utherwaies to invade ane of them ane uther in ony ſorte, quhair-upon they micht be criminallie accuſed, after the raiſing of the ſummondes and precepts, and lauchfull execution thereof, or in ony time before the compleit execution to be recovered there-upon: The committer of the ſlauchter, bloud or invaſion, in maner foreſaid; or being airt, pairt, red or counſell thereof; gif it be the defender, he ſall be condemned at the inſtance of the perſewer, gif he be on life; or in-caſe of his deceaſe, the neareſt of his kinne, quha is ſlaine, without ony probation of the libell, except ſummar cognition to be tane of the ſlauchter, bloud-ſhed or invaſion, before the Juſtice, or ony uther Judge competent thereto. And gif the perſewer ſlayis, woundis or invadis the defender, as ſaid is: or be airt, pairt, red, or counſell thereof, cognition being tane, in-caſe the defender be on live, or in-caſe of his deceaſe, the neareſt of the kinne, ſall have abſolvitour fra the perſewers libell. And gif the ſlayer, ſhedder of bloud, or invader, as ſaid is, hes landes or life-rentes, and beis denunced rebell, and put to the horne, for none-finding of ſoverty, or none-compearance, to underly the Law for the ſaid ſlauchter, bloud-ſhed, or invaſion: In that caſe, the ſlayer, ſhedder of bloud, or in-vader, incontinent after the denunciation, ſall tine the benefite of his life-rent, of quhat-ſum-ever his landes, offices or commodities, as in the ſaidis actes and ſtatutes maid there-upon, at mair length is conteined. Quhilk laſt act was alſo temporall, to indure for the ſpace of ſeven zeires; And now it being knawen to his Hieneſſe, and the ſaidis Eſtaites, how neceſſar the ſamin is, to be alwaies obſerved and keeped in continual obſervance, as ane univerſall law in all time cumming, for repreſſing of the ſaidis invaſiones: Therefore his Hieneſſe, with adviſe of the Eſtaites, and haill bodie of this preſent Parliament, ratifies, apprievis, and affirmis baith the ſaidis firſt and ſecond actes, with the haill poyntes, artickles, and conditiones conteined there-intill, And ordainis the ſame to ſtand as ane perpetual Law in all time cumming.

220. *For puniſhment of Parricide.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, underſtanding the abhominable and odious crueltie, that hes bene at ſum-times heretofore uſed within this Realme, be Children againſt their Parentes, in murthering of them, and takand of their lives maiſt unnaturally; Hes therefore ſtatute and ordained, that quhat-ſum-ever he be, that hes ſlaine, or ſall hereafter ſlaie, his Father or Mother, Gud-ſchir, or Gud-dame, and hes bene alreadie, or ſall be hereafter convict be ane aſſiſe: The committers of the ſaid crime, and his poſteritie *in linea recta*, ſall be diſheriſhed in all time hereafter, fra their landes, heritages, tackes, poſſeſſiones: And the ſamin ſall apperteine to the nixt collateral and neareſt of bloud, quha utherwiſe micht ſucceede failzieng of the richt line.

221. *Anent the certaine time of* Lentron, *ſparing of zoung fleſh in the ſpring, and breakers of* Lentron, *ana uther dayes forbidden to eate fleſh.*

OUR Soveraine Lorde, and his Eſtaites in this preſent Parliament, in reſpect of the great dearth and ſcarcitie of all kinde of fleſhes, ſtatutis and ordainis, that in all time cumming, the time of *Lentron* ſall be certaine, fra the firſt daie of *Marche incluſive*, to the firſt daie of *Maij excluſive*: And that na Lambes, nor zoung Vealles within zeir auldes, be ſlaine, or eaten before *Whit-ſundaie* zeirlie, under the paines following. And als, ratifies, apprievis, and confirmis the actes of Parliament maid of before againſt the eaters of fleſh in *Lentron*, or on the Wedniſdaie, Fridaie, or Setterdaie, in everie oulke, except the penaltie appointed in the ſaidis actes, againſt the contraveeners thereof: Quhilk our Soveraine Lord, and Eſtaites foreſaidis, caſſis, annullis, and haldis that poynt of the ſame as deleit, and reſervis the ſaid penaltie as followis, to the effect the ſame may be the better execute: That is to ſay, quhaſoever ſall be tryed to have contravened the ſame, for the firſt fault ſall be adjudged in the ſumme of ten pundes money, for the ſecond, in the ſumme of twentie poundes: and for the thrid, in the ſumme of fourtie poundes. And ſo ordainis the paine to be multiplied, according to the contempt, and oft contraveening of the ſaidis Actes: And that the ſame may take the better effect: Our Soveraine Lorde, and Eſtaites foreſaidis, ordainis, that within Burrowes, his Hieneſſe Theſaurer nominate ane ſufficient perſon, and that everie Burgh nominate ane uther, quha ſall have power to try, ſearch, and ſeeke quhat-ſum-ever perſones contraveeners of this preſent act: And perſew them before the Juſtice general, or his Depures, monethlie for the ſame. And in-caſe of conviction of ony perſon or perſons, ordainis the ane halfe of the penaltie to apperteine to our Soveraine Lord, and the uther halfe to the Burgh, quhair the conviction ſall happen, to be employed be them as

they ſall think gud. Quhilk act, our ſaid Soveraine Lord and Eſtaites foreſaidis, ordainis to be put to execution in time cumming without exception or pretenſe of ony former licence graunted before the dait hereof, alſweill againſt the eaters, as againſt fleſchoures, cuikes, hoſtellares, and uthers preparers thereof. And that na licence be granted hereafter, without ane ſufficient teſtimoniall be ſchawen to our Soveraine Lordis Theſaurer, be ane Miniſter of Gods word, and Doctour of Medicine, Apothecarie or Chirurgian, of the infirmitie of the perſon that ſuitis and cravis the ſame, utherwiſe the licence to be null. And in-caſe the perſone obteiner of the ſaid licence, be challenged for contraveening of this preſent act, the licence ſall not be ſufficient to abſolve the perſon accuſed, except the ſame, togidder with the foreſaid teſtimonial, be likewaies produced and ſchawen in judgement.

222. *For puniſhment of committers of Uſurie.*

FORSAMEIKLE As Uſurie and ocker is an great crime, condemned be the Lawes of God and all commoun wealthes, and zit hes bene over frequentlie uſed within this Realme, thir diverſe zeires bygane, throw want of a certaine paine and puniſhment: Therefore our Soveraine Lorde, with adviſe of his Eſtaites in this preſent Parliament, ſtatutis and ordainis, That quha ever committis uſurie, or ocker in time cumming, directlie or indirectlie (that is to ſay) takis mair profite for the leane of money, nor as it cummis to ten pundes in the zeir for a hundreth pundes, or five bolles victual, And ſwa *pro rata*, quhidder the ſame be great or ſmall, upon wedde, pledge, or obligation, act or contract afore hande, or after the zeir or time, ſall be counted and eſteemed Uſurers and ockerers, and the partie payer, or obliſt for the ſaid unlauchfull profite, reveiland the ſame, ſall have repetition of his pledge, wedde, or diſcharge of his obligation, acte or contract, for his rewarde: And if the partie payer concealis the payment thereof, quhatſum-ever uther man that reveillis and verefies the ſaide ocker, ſall have the ſaide benefite and richt to the ſummes of money given for ocker, as the giver might hahad, in-caſe heve had reveiled it himſelfe: & the partie receiver of the ſaid unlawfull profit, or contracter thereanent, to tine the principall ſum and ſtock, quhilk was employed be him for payment of the ſaid unlawfull profit and ocker.

223. *For puniſhment of ſum diſorders of ſtudents and burſares.*

ITEM, Becauſe the Burſares, Studentes and Maiſters of Colleges, ar greattumlie drawen from their ſtudies, and oftimes incurris greate skaith and perrell themſelves, and dois damnage unto utheris, throw their licencious libertie, in reſorting night and daie to free Burghes, armed with ſwordes, piſtolettes, and uther weapones: Therefore OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ordainis the Proveſtes and Baillies of his Majeſties free Burghes, in-caſe they finde the foreſaidis perſones, or ony of them, vagand nicht or day, within their ſaidis Townes, armed in maner abone ſpecified: To take and intromet-with their armour, and to diſpone upon the ſame, as they thinke gude.

224. *For execution of the Actes, anent the ſlauchter of black or red fiſh, and fry of Salmond.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, underſtanding that the actes of Parliament, maid againſt ſlayers of blacke or red fiſhe in forbidden time, deſtroyers of Smoltes and fry of Salmound, hes not bene put to execution in times by-gane, be reaſon of the juriſdiction of the Schireffes of everie Schireffedome, impeding the Proveſt and Baillies of Burrowes, to proſecute Juſtice there-anent: Hes therefore ratified, and approven the former actes, maid anent ſlaying of Salmound fiſh in forbidden time, and deſtroying of ſmoltes, &c. And declaris, that it ſall be lauchfull to the Proveſt and Baillies of everie Burgh in time cumming, to proceede againſt the contraveeners of the ſaidis Acts, gif they ſall happen firſt to attache and apprehend them, before they be challenged be the Schireffe or his deputes: Notwithſtanding that be the former actes, the ſaid power was reſtricted to the ſaidis Schireffes.

225. *Anent the Priviledge of Burrowes.*

OUR SOVERAINE LORDE, with adviſe of his Eſtaites in this preſent Parliament, ratifies, apprievis and confirmis, the acte and ſtatute maid in his Hienes Parliament, halden at *Edinburgh*, upon the fifth daie of *Junij*, the zeir of God, ane thouſand, five hundreth, fourſcoir twelve zeires: In favours of the free Burrowes of this Realme, and their liberties and priviledges, againſt un-free trafficquers: and anent uſing of craftes in all the ſub-urbes of the ſaidis Burrowes: ſpeciallie bearing, That all maner of perſones, inhabitants of the ſaidis Burrowes, exerceand ony maner of traffick in merchandice, or having exchange within the ſame: ſall beare their pairt of all ſtentes and taxationes, watching and warding, in all dewties perteining to our Soveraine Lord, the weill of the Realme, and utilitie of the Burgh, as at length is conteined in the ſaid act, and all clauſes and conditiones therein conteined: with this addition, that the ſamin ſall be extended to all merchandes or Craftſ-men, alſweill free as unfree, that hes na uther dwelling place but within Burgh, and hes their commoditie within the ſame Burgh, and bearis na burden of taxation without the ſame Burgh.

226. *Anent the uphalding of the decayed landes within Burgh.*

OUR SOVERAINE LORDE, With adviſe of his Eſtaites of this preſent Parliament, ratifies and apprievis the actes and ſtatutes, maid be his Hieneſſe maiſt Noble Progenitoures of worthie memorie, concerning the uphalding of Landes, given in conjunct infeftment, alſweill to Burgh as Land: And for the better execution thereof, and reparation of the decayed policie within Burgh, ſtatutis and ordainis; That the Proveſt and Baillies of ilke Burgh, ſall at the inſtance of the heritoures of the landes within the ſamin, upon citation of the partie, take ſummar cognition of the eſtaite of the landes, houſes, or tenementes within the Burgh, be ane condigne inqueſt of the Nichtboures thereof: And gif the ſamin be found aulde, decayed, and ruinous in ruiſe, ſclaites, dures, windowes, fluring, loftis, tymmer-wark, and walles, or onie of them, and ane land bigged of aulde, and throw lang time decayed, in ſik ſort that it be already inhabitable, or that within ſhort time may becum inhabitable, in that caſe, to decerne that the conjunct fear or life-renter ſall repaire the ſaidis landes, and tenementes in the partes theirof decayed, as ſall be found be the ſaid inqueſt, within the ſpace of zeire and day, nixt after they be required theirto be the heritours: and failzeing theirof, declairis that it ſall be frie to the ſaid heretour, to enter to the poſſeſſion of the ſame, to have the ſetting, raiſing, uſing, and diſponing their-upon, in all time cumming, as gif there war na life-rent, or conjunct fee ſtanding theirof. Providing alwaies, that ſufficient ſecurity in the Burgh, quhair the landes or tenementes lyis, be tane, for termelie payment to the conjunct fears or life-renteris theirof, induring their life-time of ſik maill and dewtie, as the ſamin preſentlie gives the time of the ſaid cognition, or micht reaſonablie give in that eſtait, in-caſe it be not preſentlie ſet, deduceand alwaies the annualles, and uther burding lyand their-upon. And this to be extended to all brunt and waiſt landes, and againſt all conjunct fears preſent and to cum within Burgh.

227. *For puniſhment of thieft, rieſe, oppreſſion and ſorning.*

OUR SOVERAINE LORDE, And Eſtaites in this preſent Parliament, conſiddering, that notwithſtanding the ſundrie Actes maid be his Hienes, and his maiſt Noble Progenitours, for puniſhment of the Authours of thieft, rieſe, oppreſſion and ſorning, and Maiſteris and ſuſteinares of thieves: Zit ſik hes bene, and preſentlie is the barbarous cruelties, and dailie Heirſchippes of the wicked thieves and limmers of the Clannes and ſurnames following, inhabiting the *Hie-landes* and *Iles:* They are to ſay, *Clangregore*, *Clanfarlane*, *Clanlawren*, *Clandowall*, *Clandonoquhy*, *Clanchattane*, *Clanchewill*, *Clanchamron*, *Clanrannald* in *Lochaber*, *Clanrannald* in *Knoydert*, *Moydert*, and *Glengarrey*, *Clanlewid* of the *Lewis*, *Clanlewid* of *Harriche*, *Clandonald* South and North, *Clangilleane*, *Claniane*, *Clankinnon*, *Clanneil*, *Clankenzie*, *Clannandreis*, *Clanmorgun*, *Clangun*, *Cheilphale:* And als monie broken men of the ſurnames of *Stewarts* in *Athole*, *Lorne*, and *Balquhidder*, *Campbelles*, *Grahames* in *Menteith*, *Buchannanes*, *Galbraithes*, *Makcaulais*, *Macknabbes*, *Makanabrichtes*, *Meinzeis*, *Ferguſſones*, *Spaldinges*, *Makintoſches* in *Athoil*, *Makthomas* in *Glenſche*, *Ferquhardſonnes* in the Braie of *Mar*, *Makinpherſones*, *Grantes*, *Roſſes*, *Fraſeres*, *Monroes*, *Neilſones:* and utheris inhabiting the Schireffedomes of *Argile*, *Bute*, *Dumbartane*, *Striviling*, *Perth*, *Forfare*, *Aberdene*, *Bamff*, *Elgin*, *Forres*, *Narne*, *Innernes*, and *Cromertie*, Stewartries of *Statherne* and *Menteith*. And likewayes a great number of wicked thieves, oppreſſoures, and peace breakers, and receipters of thieft, of the ſurnames of *Armeſtranges*, *Ellotes*, *Nickſones*, *Croſeres*, *Grahames*, *Irwings*, *Belles*, *Cairleilles*, *Beatiſones*, *Litles*, *Thomſones*, *Glendunninges*, *Carutheres*, *Iohneſtones*, *Iardanes*, *Moffettes*, *Latimers:* and utheris inhabiting the Bordoures fore-anent *England*, in the Schireffedomes of *Roxburgh*, *Selkirk*, *Peibles*, *Dumfriſe*, and Stewartrie of *Annandaill*. In the Murther, Heirſchip, and dailie oppreſſion of his Hieneſſe peaceable and gude ſubjectes; In the haill Countries adjacent to the Hielandes and Bordoures; to the diſpleaſure of God, contempt and diſhonour of his Hienes perſon and authoritie; and to the waiſting and deſolation of a gud part of the plentifull ground of the country, if ſpeedy remeid be not provided. And underſtanding that this miſchief and ſchamefull diſordour increaſis, and is nuriſhed be the overſight, hounding-out, receipt, mainteinance, and not puniſhment of the thieves, limmers and vagaboundes; partlie be the Landis-lordes, Maiſters, and Baillies of the landes and boundes, quhair they dwell or reſortis: And partly throw the counſelles, directions, receipt, and partaking of Chieftaines principalles of the branches, and houſhalders of the ſaidis ſurnames and Clannes, quhilkis bearis quarrell, and ſeekis revenge for the leaſt hurting and ſlauchter of onie ane of their unhappie race, although it were ordour of Juſtice; or in reſcuing and following of trew mennis geare, ſtollen or reft: Swa than the ſaid Chieftaines, principal of the branches, and houſhalders, worthelie may be eſteemed the verie authors, foſterers and mainteiners of the wicked deedes of the vagaboundes of their clannes and ſurnames. FOR remeid quhairof, and that there may be anis a perfite diſtinction be names and ſurnames, betuixt them that ar, and deſiris to be eſteemed honeſt and trew men: and them, that ar and aſchamis not to be eſteemed thieves, reifers, fornares, and receipters, and ſuſteiners of thieft, in their wicked & odious crimes and deeds: IT IS ſtatute and ordained, that ther be an roll and catalogue maid with all poſſible diligence, of all perſons of the ſurnames foreſaidis, ſuſpected of ſlauchter, thieft, rieſe, receipt of thieft, or thieves, or ſorning, within the ſaids Schireffedomes and Stewartries in quhat townes, and parochins, and under quhat Landes-lordes and Maiſters or Baillies they dwell. THAT all Landis-lordes and Baillies be charged to finde ſovertie, to relieve the King and Warden in the Bordoures, and over all quhair, to make their

men, tennentes and ſervants anſwerable to Juſtice, and to redreſſe parties skaithed, quhilkis hes not found the ſaid ſovertie alreadie: THAT the haill perſones ſuſpected and delated of the ſaidis crimes, ſall be given in valentines to their Maiſters, Landiſ-lordes or Baillies, to be preſented before his Hieneſſe Juſtice and his Deputes, and utheris Commiſſioners or aſſeſſors to bee appoynted at certaine daies and places: That it may be underſtand quha will be obedient, and quha inobedient and fugitive. SIK Houſhalders of the ſaids Clannes, as compeiris, to finde caution, for reliefe of their Landiſ-lordes: Sik as compeiris not, to be denunced rebelles and fugitives. THE Chieftaines, principal of the branches and Houſhalders to be charged to enter pleges, for reliefe alſwa of the Landiſ-lordes. THE Pleges to be delivered in keeping to the Noble-men, Barronnes and Gentle-men, that hes received greateſt and lateſt harmes of the ſaids thieves and ſorners of Clannes, and their aſſiſters in their awin houſes, or with their friendes in the Countrie, quhair they thinke maiſt ſure. GIF the perſones compleined upon, compeiris and findes gud ſovertie, for reliefe of their Maiſters and Landis-lordes, to bruik their tackes and titles. GIF they compeir not, or compeirand findis not the ſaide ſovertie, to be denunced rebelles, and their eſcheittes of tackes to be diſponed to their Landis-lordes, for their better reliefe. The complenar to have action criminal or civill, againſt the Landis-lordes, Maiſter or Baillies, or their ſoverties, for the attemptat to be committed, after the ſovertie found; THE availe and quantitie of the guddes ſtollen or reft, or uther skaith done, ſall be referred to the aith of the compleiner, the trueth of the fact being proven be two witneſſes: or gif the partie compleined upon, compeiris not perſonallie before the Juſtice, to make his defenſe, or excuſis him not be the aith of his Miniſter perſonallie compeirand; Na Landis-lord, to ſet his land, or to ſuffer his land to be occupied and poſſeſſed with his conſent, or receive mailles, greſſume, and dutie for the occupier theirof, that being of a Clanne, findis not ſovertie, to relieve his Landis-lord, betuixt and the firſt day of *Auguſt* nixt, quhilk gif the Landis-lord omit to ſeik for his reliefe, he to be anſwerable to the compleiner, criminallie or civilie, as gif he had done the deed himſelfe. Nane of the ſaidis Clannes, or uther broken men, their wives, bairnes, aires, executors or aſſignayes, ſall have action criminall or civill againſt quhat-ſum-ever perſones, For ejection, ſpuilzie, ſlauchter, fire-raiſing, or uther alleged violent deed committed againſt them, be onie of his Hienes Lieges, except they inſtruct with their ſummondes, that the perſone alleged hurt, ſpuilzed, ſlaine, or ejected wes the Kings free-liege man, the time of that deed, and had found ſovertie to be anſwerable to Juſtice, for reliefe of his Landis-lord, and to redreſſe parties skaithed. Everie thiefe and ſorner ſall be eſteemed the man and ſervand of him, quhom of he hes land in tillage or paſtourage: Or quhom the ſaid thiefe, ſorner or rievar accompanies at conventiones, gatherings, or at onie violent deeds: Or on quhais ground, the ſaid thief or rievar is receipt, and taries twelve houres togither, with the knawledge of the Landis-lord, being of habilitie and power to apprehend him: Or quha hes receaved band of manrent, or given band of maintenance to the thieves or rievares: Or receivis their cawlpes and herezeldes: Or quha hes had the ſaid thieves and rievares under their aſſurance, or exemption: Twa Juſtice Courtes to be halden zeirlie, for the ordinar execution of this preſent act and ſtatute, within everie ane of the ſaidis Schireffedomes and Stewartries at leaſt: At *Jedburgh*, for *Roxburgh*, *Selkirk* and *Peibles*: At *Dumfriſe* for the Schireffedome theirof, and Stewartries of *Kircudbricht* and *Annand-daill*: At *Striviling* for *Argyle*, *Bute*, *Dumbartane* and *Perth*, Stewartries of *Menteith*, and *Strathern*: At *Abirdene* for the Schireffedome theirof, and *Bamff*: At *Elgin* or *Innernes*, for the Schireffedomes of *Elgin*, *Forres*, *Narne*, *Innernes*, and *Cromertie*: And the expenſes of Officiares, Clerkes and uther things needfull, to be tane of the readieſt unlawes and eſcheittes of the ſaids Courts: Ane band to be maid, ſworne and ſubſcrived be all Nobil-men, Barronnes, and landed men, within the boundes of the ſaidis Schireffedomes and Stewartries, obliſhand them to ſeik the true execution of this preſent act, for their awin partes, and to concurre againſt the ſaidis thieves, rebelles, and ſornares, and to keip ordinar watching and warding, and to contribute to that effect: in ſik ſort, as ſall be thought meiteſt amang themſelvis. Certifying them, that ſall be found not to conveene and further this gude wark, they ſall be halden infamous and favoreres and partakers with the ſaidis thieves and ſornares in their evill deedes. And our ſaid Soveraine Lord, with adviſe of his ſaidis Eſtaites, declaris that this preſent Act of Parliament, ſall extend not onelie againſt all inhabitants of the ſaids ſpecial Schireffedomes and Stewartries, bot againſt the Landis-lordes, Maiſters, and Baillies of all perſons that are, or ſall be ſuſpected and delated of thieft, reif, oppreſſion, and ſorning over all partes of the Realme, and namelie againſt the heretours and life-renters of Landes within Townes and ſub-urbs theirof, quhilkis ſall be halden to enter and preſent to Juſtice, perſones dwelland within their tenementes and houſes, ſuſpected to be Harlottes, thieves, receipters of thiefr, or vagaboundes, ſik-like as Landis-lordes in Hielands, or Bordours, for their men and tennentes that are thieves and ſorneres. And theirfoir that the ſaidis heretours or lyfe-renters in townes and ſub-urbs theirof, take ſovertie of their tennentes, quhome unto they ſet their houſes, for their releiſe, at their awin perrell. And further, our Soveraine Lord, with adviſe of his ſaid Eſtaitis, ratifies and apprievis, and for his Hienes and his ſucceſſours perpetuallie confirmis all former Lawes and Actes, maid be his Hienes, and his maiſt Noble Progenitours in onie times by-gane, anent puniſhment of thieft, rieſe, ſorning or oppreſſion, not riſing to effray and following, ſitting under aſſurance of thieves, or taking, or paying of black maill: And ordainis the ſame actes to be put to execution with diligence, after the forme and tenour thereof. AND finallie, that as thieves and ſorners concurris, aſſiſtis and mainteinis uthers in wicked deedes, againſt trew men, without feare of God, the King, or the Lawes:

The landis-lordes ſuld finde caution.

Landes-lordes ſuld preſent them to Juſtice.

Pleges.

Fugitives.

Soverrie.

No action is competent to rebelles.

Quha is man or ſervand to ane other.

Juſtice Courtes.

Ane generall band.

Suſpect perſones.

Of tennentes and indwellers in other mens houſes.

Swa

Swa it ſall be lauchfull to trew and honeſt men, to concurre and joyne themſelves in Counſells and actiones, for defenſe of the lives and guddes of themſelves and their tennentes, againſt thieves and forners, and to follow and perſew them, and all their races, clannes and names, dwelland within the boundes of the Hie-landes and Bordoures (not ſubject be gude and ſufficient ſoverties and pleges, to be anſwerable to the Lawes, and redreſſe of parties skaithed) and to take and apprehend their perſones and guddes, keepe themſelves in priſon, or execute them to the death, makand all our Soveraine Lordis Officiars, and Miniſters of Juſtice, to Burgh or lande, and all his Free-halders, remaining at his Hieneſſe Faith, peace and obedience, conjunctlie or ſeverallie his Hieneſſe Juſtices to that effect: with power to halde Courtes, create members thereof, ſummound aſſiſes, ilk perſon under the paine of ten poundes, als oft as neede beis. And in-caſe ony of the ſaide thieves, forners of the ſaidis clannes, or their aſſiſters dwelland in the Hielandes and Bordours (quhilk ſall not be under gude ſovertie or plegeing, as ſaid is; betuixt and the firſt daye of *Auguſt* nixt-to-cum) happenis to be tane, hurt, ſlaine, or mutilate: Their guddes to be taken and intrometted-with; their houſes burnt, deſtroyed, or caſten to the grounde. OUR Soveraine Lorde with adviſe of the ſaid Eſtaites in this preſent Parliament, willis, grantis, and declaris, that the ſame ſall never be impute as onie crime or offenſe, to quhat-ſum-ever trew man, authors or executors thereof: NOR they, nor nane of them, ſall be called or accuſed thereof, criminallie, nor civilie be onie maner of way in time cumming: Exonerand and diſchargeand them of the ſame for ever: And ratifies and apprievis all utheris acts abone ſpecified: And ordainis them to extend over all the Realme.

Convocation for puniſhment of thieft & forning.

All the Kingis liegis maie take, ſlaie, or mutilate thieves and forners, deſtroy their houſes, &c

228. *Prelates and uthers beneficed perſones ſuld have reliefe of their taxation.*

OUR Soveraine Lorde and Eſtaites of this preſent Parliament, for the better explaining of the releiſe granted to Prelates and Miniſteres provided to parſonages and vicarages, Vicares, and utheris beneficed men, be the Act maid be the Eſtaites laitlie conveened, upon the taxation of ane hundreth thouſand pundes, granted be them for the defray of the honourable charges of the Princis *Baptiſme*: Findis and declaris that they and everie ane of them ſall have their juſt releiſe *pro rata*, of their part of this preſent taxation, upon the fewares, vaſſalles, penſioners, and tackeſ-men of teinds of their ſeverall Benefices.

229. *That the Temporall landes annexed to the Crown ſall remaine therewith, and that they ſuld be retoured.*

OUR Soveraine Lorde, and his Eſtaites of this preſent Parliament, declaris and ordainis, that all few-landes annexed to his Majeſties Crown, be the act of annexation, remaine with his Majeſtie & Crown in all time hereafter. And that all few-landes annexed, or uther few-lands quhat-ſum-ever, within this Realme, be retoured and availed, to marke or pennie lands, that his Majeſtie may knaw the awner thereof. And being retoured that quhen it ſall happen ony impoſt or taxation to be raiſed, that the ſaidis fewares ſall be charged according to their retours.

230. *Caution ſuld be found be them quha ſuld make compt in the Checker.*

OUR Soveraine Lord and Eſtaites of Parliament, ratifies and apprievis, the act maid at *Edinburgh*, the zeir of GOD, ane thouſand, five hundreth, auchtie ſeven zeires; Anent making of Compt in the Checker; And ſtatutis and ordainis, that all the Chalmerlaines and fewares of his Majeſties proper landes, Cuſtomers, Baillies of Burrowes, Schireffes and utheris intromettours with the dewties of his Hieneſſe propertie and caſualities, ſall finde caution and ſovertie, Burgeſſes of *Edinburgh*, for their zeirlie compeirance and making of compt in the Checker.

FINIS.

ANE TABLE

Of the

PARTICVLAR ACTES and uthers, maid be King JAMES the Sext, in the Fourteenth Parliament, the viij. of Junij, *the zeir of God, ane thouſand, five hundreth, ninetie four zeires, not imprinted.*

1 *DEclaration anent the annexation of* Kelſo *and* Coldinghame.
2 *That na prejudice be done to the Queenes Majeſtie in this preſent Parliament.*
3 *Act in favour of the Miniſters of* Glaſgow.
4 *Ratification of the Kirk of* Brunt-Iland.

5 *Ratification of the diſpoſitions maid be umquhile* Patrick *Biſhoppe of* Saint-Andrewes.
6 *Ratification of the diſpoſition of the Kirk of* Carrail.
7 *Ratification of the Kirk of* Greenock, *and the Parochin of* Innerkip.
8 *Anent the Chappel Royall of* Striviling.
9 *Ratification of the act maid in favour of the Skinnares.*
10 *Anent the diſſolution of the Kirk of* Neither-airlie.
11 *In favour of the Biſhoppe of* Dunkeld.
12 *In favour of the Biſhoppe of* Aberdene.
13 *In favour of Maiſter* William Mall-vill, *anent* Kilwinning.
14 *In favour of the new College of* Saint-Andrewes.
15 *In favour of the Proveſt of* Lincluden *Collectour.*
16 *In favour of* David Seaton, *of* Parbroith, *Comptroller.*
17 *In favour of the Cittie of* Glaſgow.
18 *In favour of the Burgh of* Kinghorne.
19 *In favour of the Burgh of the* Cannon-gate.
20 *Anent the fair of* Bathcatte.
21 *Act in favour of the Earle of* Murray.
22 *Of the Lord* Fleming.
23 *Of the Lord* Levingſtoun.
24 *In favour of the Counteſſe of* Marre.
25 *In favour of the Laird of* Maw.
26 *In favour of Maiſter* George Young.
27 *In favour of* John Androw.
28 *In favour of* John Acheſoun.
29 *In favour of* James Smyith *and* John Wel-wood.
30 *In favour of* Robert Abercrumby.
31 *Act in favour of the fewares of the Kingis propertie in* Fife.
32 *In favour of* Thomas Fowles.
33 *Againſt the exemption of* Nicoll Udward *Burges of* Edinburgh.
34 *In favour of* Robert Walde-grave *Prentar.*
35 *Ratification of the act and contract anent the* Cuinzie.
36 *Of the act anent the bulzeon.*
37 *Of the actes anent Regraters and foreſtallers.*
38 *Ratification to the Burgh of* Aberdene.
39 *Ratification of the Burgh in Barronnie of* Turreff.
40 *Ratification of the Kingis Majeſties acquittances to the Burgh of* Dundie.
41 *Ratification to the Duke of* Lennox. *Of the Temporalitie of* Pluſcardin.
42 *To the Earle of* Marre.
43 *To* David Seaton *of* Parbroth, *Comptroller.*
44 *To the Clerke of Regiſter, and Maiſter* John Hay *his ſonne.*
45 *To Maiſter* Peter Young.
46 *To the Laird of* Drumlanrig.
47 *To the Conſtable of* Dundie.
48 *To* David Scrimgeour *of* Fordie.
49 *To* John Hay *of* Lochloy.
50 *To* John Arnot.
51 *To Captaine* Patrick Cranſtoun.
52 *To Maiſter* Henrie Keir.
53 *To* George Haliburntoun *and his wife.*
54 *To the Clerke of Regiſter of the Chaplaines Chalmers of* Aberdene.
55 *The Commendatar of* Pettin weeme.
56 *To* Patrick Hume *of* Polwart.
57 *Anent the Brig of* Dalkeith.
58 *Proviſiones in favoures of Burghs erected ſen the acte of annexation.*
59 *Anent the Hoſpitalles and Schooles.*
60 *Exceptiones fra the act anent Penſiones foorth of the erectiones, ſen the annexation.*
61 *Exceptiones fra the generall act of diſſolution.*

FINIS.

THE FIFTENTH PARLIAMENT OF KING JAMES THE SEXT,

Halden at Edinburgh, *the nineteenth day of December, the zeir of God, ane thouſand, five hundreth, ninetie ſeven zeires.*

231. *All Miniſters provided to Prelacies, ſuld have vote in Parliament.*

OUR SOVERAINE LORD, AND His Hieneſſe Eſtaites in Parliamente, havand ſpeciall conſideration and regairde, of the great Priviledges and immunities, granted bee his Hieneſſe Predeceſſoures, of maiſt worthie memorie, to the halie Kirk within this Realme; And to the ſpeciall perſones, exercing the offices, titles, and dignities of Prelacies, within the ſamin: Quhilkis perſones, hes ever repreſented ane of the Eſtaites of this Realme, in all conventiones of the ſaidis Eſtaites: And that the ſaidis Priviledges and freedomes hes bene from time to time renewed and conſerved in the ſame integritie, and condition, quhair-in they were at ony time of before: Swa that his Majeſtie, acknowledging the ſamin now to be fallen and becummin, under his Majeſties maiſt favourable protection: Therefore his Majeſtie of his greate zeale, and ſingular affection, quhilk hee alwayes hes to the advancement of the trew Religion, preſentlie profeſſed within this Realme with adviſe and conſent of his Hieneſſe Eſtaites, ſtatutis, decernis, and declaris, that the Kirk within this Realme, quhairin the ſamin Religion is profeſſed, is the trew and halie Kirk: And that ſik Paſtoures and Miniſters within the ſamin, as at ony time his Majeſtie ſall pleaſe to provide to the office, place, title, and dignitie of ane Biſhop, Abbot, or uther Prelate, ſall at all time hereafter, have vote in Parliament, ſik-like and als freelie, as ony uther Eccleſiaſticall Prelate had at ony time by-gane: And als declaris, that all and quhat-ſum-ever Biſhopprickes, preſentlie vaikand in his Hieneſſe handes, quhilkis as zit ar un-diſponed to ony perſon; or quhilkis ſall happen at ony time hereafter, to vaik, ſall be onelie diſponed be his Majeſtie, to actuall Preacheres and Miniſters in the Kirk: or to ſik uthers perſones, as ſall be foundin apt and qualified, to uſe and exerciſe the Office and function of ane Miniſter and Preacher: And quha in their proviſiones to the ſaid Biſhopprickes, ſall accept in, and upon them, to be actuall Paſtoures and Miniſters: And according thereto, ſall practize and exerce the ſamin thereafter.

ITEM, As concerning the office of the ſaidis perſones, to be provided to the ſaidis Biſhopprickes, in their Spirituall Policie and governement in the Kirk: The Eſtaites of Parliament, hes remitted, and remittis the ſamin to the Kingis Majeſtie, to be adviſed, conſulted, and agreed upon, be his Hieneſſe, with the Generall Aſſemblie of the Miniſters, at ſik times as his Majeſtie ſall thinke expedient to treat with them there-upon: But prejudice alwayes in the meane-time, of the juriſdiction and diſcipline of the Kirk, eſtabliſhed be Actes of Parliament, maid in onie time preceeding, and permitted be the ſaidis Acts, to all Generall and Provinciall Aſſemblies, and uthers quhat-ſum-ever Presbyteries and Seſſiones of the Kirk.

232. *Kirk-zairde dykes ſuld be bigged,*

OUR Soveraine Lord, and Eſtaites in Parliament, ſtatutis, decernis and ordainis: That all Parochiners of everie Paroch Kirk within this Realme, build and repaire the Kirk-zairde dykes of their awin Paroch Kirk, with ſtane and morture, to the hight of twa elnes: And to make ſufficient ſtiles and entreſſe in the ſaidis dykes, to pas to the Kirk and Kirk-zaird thereof: And ordainis the Lordes of the Seſſion to direct and give letters and charges thereupon, in forme as effeiris.

233. *Alienation of the Kingis annexed propertie.*

THE Kingis Majeſtie, and Eſtaites in Parliament, decernis and declaris, that all heretable infeftmentes of few-ferme, ſet, given, and diſponed be his Hieneſſe, or ony of his Progenitoures of gude memorie, of annexed propertie, is null of the Law, be way of action or exception, except ſik infeftmentes & diſpoſitiones, quhilkis ar ſet be his Majeſtie, or his Predeceſſoures, being of perfite age, after diſſolution maid in Parliamente, in his or their majoritie, with augmentation of the rentall.

234. *The*

234. *The annexed propertie may not be diſponed bot in few-ferme allanerlie.*

ITEM, It is decerned and declared, That all heretable diſpoſitiones given and granted in ony time by-gane, or to cum, to ony perſon, of his Hienes annexed propertie, to be halden of his Majeſtie, and his Succeſſoures in chiefe, be ſervice of waird and reliefe: or in ony uther maner of halding, then in few-ferme allanerly, is null and of nane availl, be way of action, or exception: Becauſe landes, or uther annexed propertie to the Crowne, cannot be ſet or diſponed, bot in few-ferme allanerlie: Providing that this conſtitution na-wayes prejudge ſik infeftmentes and alienationes, as ar maid and given be his Hieneſſe, or his Predeceſſours, be way of *excambium*, permutation, or recompenſation: Swa that thereby his Hieneſſe rentall be not diminiſhed.

235. *Anent diſpoſition of the Kingis Caſtelles, and certaine uthers partes of the annexed propertie.*

IT IS Decerned and declared, that all heretable alienationes in few-ferme, or uther-wayes, aſſedationes, rentalles, penſiones, giftes, or diſpoſitiones quhat-ſum-ever, maid and given be his Hieneſſe, or ony of his Predeceſſoures, of his Majeſties Palices, Caſtelles, Parkes, Meadowes, Coale-heuches, and uthers under-written: they ar to ſay, of the Palice of *Haly-rude-houſe*, and Park thereof: Palice of *Linlith-gow*, Park and Coale thereof: Palice of *Falk-land*, Coale, Parke, and *Lowmoundes* thereof: Caſtell of *Striviling*, Parkes and wairdes thereof, and of the *Tor-woodde*: Caſtell of *Dumbartane*, with the landes and maines adjacent thereto: Caſtell of *Blackneſſe*. And generallie of all and quhat-ſum-ever Caſtelles, Parkes, Meadowes, Coale-heuches, and uthers of his Majeſties annexed propertie, ar null, and of nane availe, force nor effect, fra the beginning, be way of action or exception.

236. *Diſpoſition of the annexed propertie maid before the diſſolution, or nocht conforme to the conditiones thereof is null.*

IT Is ſtatute, that all infeftmentes, alienationes, rentalles, aſſedationes, penſiones, gifts, diſcharges, and uther diſpoſitiones quhat-ſum-ever, of the annexed propertie: And ſpeciallie of the Cuſtomes, great or ſmall, maid or given after the annexation, and before lauchfull diſſolution in Parliament: Or maid and given, after the diſſolution, and zit contrair to ony of the conditions of the ſame, ar null of the Law, be way of action or exception, in all time by-gane, and to cum.

237. *Aſſiſe herring may not be diſponed.*

IT Is ſtatute and ordained, that all infeftmentes and alienations in few-ferme, or utherwayes, and all rentalles, aſſedationes, and diſpoſitiones quhat-ſum-ever, in all time by-gane, and to cum, of the aſſiſe herring, is null and of nane availe: Becauſe the ſaide aſſiſe herring perteinis to our Soveraine Lorde, as ane part of his cuſtomes, and annexed propertie.

238. *Anent heretable Chalmerlanries, and diſpoſitiones of the propertie.*

ITEM, The Kingis Majeſtie, and Eſtaites in Parliament, decernis and declaris, all offices of heretable Chalmerlanries, and all free giftes and diſcharges of the Kingis propertie, or ony part thereof, with all fees, caſualities, or priviledges perteining thereto, to be null, and of nane availl, And ordainis them to ceaſe in all time cumming: Swa that the King, and his Comptroller, may freelie intromet with the ſame, and all the rentes thereof, like as gif the ſaidis offices and diſpoſitiones had never bene maid.

239. Alienatio feudifirmæ feudifirmarum.

OUR SOVERAINE LORD, and Eſtaites in Parliament, retreatis, reſcindis, caſſis and annullis all and quhat-ſum-ever heretable infeftmentes, and all and ſindrie uther diſpoſitiones, maid and given to ony perſon in ony time by-gane, of ony part of the few-ferme dewties, perteining to his Hieneſſe, foorth of the annexed Temporalitie of benefices of this Realme: Or of the annexed propertie: Or of ony parte of the patrimonie of the Crowne.

240. *Anent tackes and penſiones, given foorth of thriddes.*

ITEM, It is ſtatute and ordained, that all tackes and aſſedationes, ſet in diminution of the rentall, or firſt aſſumption: And penſiones maid and given to ony perſon, in ony time by-gane, or in time hereafter, of the thriddes of the benefices, or ony part thereof: Ar, and hes bene fra the beginning, null & of nane availe: And that it ſall not bee leaſum to his Hieneſſe, in ony time cumming, to give and diſpone the ſame, in ony maner of way.

241. *Anent*

241. *Anent thriddes of Benefices, commoun Kirkes, Friers-landes, rentes, and Benefices of cure under Prelacies.*

OUR SOVERAINE LORD, and Eſtaites in Parliament, Ratifies, apprievis and confirmis, the act maid be his Hieneſſe, with adviſe of the Lordes of his ſecreit Councell and Checker, upon the fourteenth day of *Februar*, the zeir of God, ane thouſand, five hundreth fourſcore ſeven zeirs: And confirmed in Parliament, with adviſe of the Eſtaites, upon the fifth daye of *Junij*, the zeir of God, ane thouſand, five hundreth, ninetie twa zeires: Anent the Reformation of the abuſes of the thriddes of Benefices, commoun Kirkes, Friers-landes, rentes and Benefices of cure under Prelacies, within this Realme: And reducing of the ſame to their firſt inſtitution: to have the ſtrength, force, and effect of ane perpetuall and generall Law, in all time cumming: In all clauſes and artickles of the ſamin, and conforme to the tenour thereof in all poyntes: Amangſt all and ſindrie our Soveraine Lordis Lieges, alſweill be way of action and perſute, as be way of exception and defenſe: And declaris and decernis, all and ſindrie exceptiones, granted in favour of ony perſon or perſones, in the bodie of the ſaid acte, or ſeverallie in the ſaid Parliament, halden at *Edinburgh* the ſaid fifth day of *Junij*, the zeir of God, ane thouſand, five hundreth, ninetie twa zeires: Or in ony uther Parliament halden thereafter, to be null, and of nane availe, force, nor effect, be way of exception or reply: like as gif the ſamin had never bene given or granted: Providing alwayes, that the exception and proviſion conteined in the ſaid acte and conſtitution, touching heretable infeftmentes, ſall remaine and ſtande in the awin ſtrength and effect, as ane exception maid fra the ſaid Acte and Ordinance: And ſik-like, but prejudice of ony priviledge granted to the College of Juſtice, or ony of the Lordes thereof.

242. *The twa part of the Benefices vaikand, ſall apperteine to the King.*

IT Is ſtatute and ordained, that the twa part of the Spiritualitie un-aſſumed of all Prelacies now vaikand, or that ſall happen to vaik: And all fruites, rentes, profites, and emolumentes thereof, *ſede vacante*, ſall apperteine to his Hieneſſe and his Succeſſoures, to the ſuſtentation of their houſes and affaires: And ſall on na-wayes be diſponed in all or in part, to ony perſon, be way of penſion, gift or diſpoſition quhat-ſum-ever.

243. *Anent ratificationes and diſpoſitiones maid in Parliament.*

FORSAMEIKLE As there is certaine Generall and Originall Lawes, quhairby expres proviſion is maid, that his Majeſties propertie and annexed Temporalitie of Benefices, may not be dilapidate nor diſponed, to his Hieneſſe prejudice, and derogation of the ſaidis Lawes. IT IS Therefore ſtatute and ordained be his Majeſtie, with adviſe of the Eſtaites in Parliament, that the ſaidis generall Lawes ſall have their full effect. And that na derogation ſall be maid thereto, bee quhat-ſum-ever gift or diſpoſition: Notwithſtanding the ſame bee particularly ratified in Parliament, except the ſaid ratification and new diſpoſition be maid with expreſſe and ſpeciall diſpenſation of the ſaidis generall Lawes, and bee adviſe of the Eſtaites to bee ſpeciallie mentioned therein: And that the Lordes of the Seſſion ſall Judge according to the generall Lawes, without reſpect of ony particular derogation maid thereto, to his Majeſties hurte or prejudice, or contrair the tenour of the ſaidis Actes.

244. *Miniſters and poſſeſſoures of benefices, ſall give up the rentall of the Temporalitie.*

IT Is ſtatute and ordained, that all Miniſters that ſall happen to receive ony aſſignationes for their ſtipendes, foorth of the fruites and rentes of ony Benefice, within this Realme, ſall at the time of the receiveing of their aſſignationes, and raiſing of letters conforme thereto, declare and give up particularlie to the Clerk directer and ſubſcriver of the ſaidis letters, how meikle they, or ilk ane of them hes of the Temporalitie, given and diſponed unto them, in their ſeverall aſſignationes: The quhilk Clerke ſall be halden and oblished, to give and deliver the ſame, to the Clerk of the Theſaurarie of augmentation, to be inſert and remaine in Regiſter in all time cumming: And maireover, all and ſindrie Prelates, and uthers poſſeſſoures of all benefices, quhilkis ar at his Hieneſſe gift or diſpoſition, ſall likewiſe give up to the Clerke foreſaid, ane ſufficient inventare, conforme to the firſt aſſumption of the thriddes of all rentes, profites, and dewties, of the twa part of the ſaidis benefices: And how meikle thereof is ſet in few-ferme, or in *feudifirma feudifirmarum*: With certification to them, and everie ane of them, gif they failzie, or gif they ſall happen to omit ony of the rents or fruites foreſaids: or give up ane rentall, quhilk is not juſt and leill: In that caſe their benefices ſall vaik in his Hieneſſe handes, as gif they were naturallie dead: Swa that his Hieneſſe may diſpone thereupon, and intromet with the profites of the ſame, at his pleaſure.

245. *The fewares of the Temporalitie, ſuld give up ane rentall of their dewties.*

IT Is ſtatute and ordained, that all fewares, of quhat-ſum-ever annexed landes, perteining to the Temporalitie of all Benefices within this Realme, except laick patronages, ſall before the firſt day of *Januar*, the

zeir of God, ane thouſand, five hundreth, ninetie aucht zeires, exhibite and produce to the Theſaurar of augmentationes, and his deputes, their infeftmentes and titles, quhair-by they bruike and poſſeſſe the ſaidis landes: To the effect his Hieneſſe and his ſaidis officiares may be inſpection thereof, underſtande the dewtie quhilk they, and ilk ane of them aucht and ſuld pay to his Hieneſſe: The quhilk Clerke, ſall extract ane minute thereof: And all the ſpeciall clauſes and proviſiones gif ony be conteined in the ſaidis infeftmentes, to remaine with him, as ane trew and authentick rentall, of his Hieneſſe Temporalitie in time cumming: And gif ony of the ſaidis ſewars failzies in the premiſſes, the infeftment of few-ferme, and all uther richt and title quhilk he can alleage and pretend to the ſaidis landes, to be null, and of nane availe, force nor effect, be way of exception or reply: and it ſall be leaſum to the King and his Theſaurar foreſaid, to intromet, lift, and uptake the mailles, fermes, and dewties, at the terme and feaſt of *Whit-ſunday*, nixt and immediatlie following, the ſaid firſt day of *Januar* foreſaide: And ordainis that this acte ſall be imprented before the firſt day of *Maij* nixt-to-cum: Or failzieing thereof, ſall bee openly publiſhed at the heade Burgh of ilk Schire: And that the ſamin ſall not be extended to ony perſon, quha hes produced and ſchawen their haldinges alreadie.

246. *All fewes may be decerned null, for not payment of the dewtie, albeit na proviſion be maid there-anent in the infeftments.*

OOR Soveraine Lord, and Eſtaites of this preſent Parliament, haveand conſideration of the greate damnage and skaith, quhilk his Majeſtie and lieges of this Realme ſuſteinis, throw evill and untimous payment of the few dewties of their landes, ſet in few-ferme: Therefore ſtatutis and ordainis, that in-caſe it ſall happen in time cumming ony vaſſall or ſewar, haldand lands in few-ferme, of our Soveraine Lord, or of ony uther ſuperiour immediatlie in few-ferme, to failzie in making of payment of his few dewtie to our Soverain Lords Comptroller, or uther havand power of him, or to uther immediate ſuperiour, or uthers havand power of him, be the ſpace of twa zeires, haill and togidder: That they ſall amitte and tine their ſaid few of their ſaids lands, conforme to the civill and cannon Law: Sik-like and in the ſame maner, as gif ane claule irritant were ſpeciallie ingroſſed and inſert in their ſaidis infeftmentes of few-ferme.

247. *It is not leaſum to take mair annuall-rent or profite, nor ten for the hundreth.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, havand conſideration, that exorbitante profite and uſurie taken for the lene of money: Is nocht onlie bee the Lawe of GOD condemned, bot alſwa is forbidden bee the Lawes of this Realme, and Actes of Parliament: Therefore ſtatutis and ordainis, that nane of our Soveraine Lords lieges take upon hand in ony time hereafter, to take ony greater profite, or annuall-rent, for the lene of money, outher be infeftment, or be band or contract, directly, or indirectly, bot ten for the hundreth, under paine of confiſcation of all their moveable guddes and geare: And to be utherwayes puniſhed in their perſones, as commoun ockarers, according to the Lawes: And for that effect, to be called and perſewed at particular diettes, before the Juſtice and his deputes, to underly the Lawe for the ſamin, And that all infeftmentes, contractes, and obligationes to be maid in time cumming, for payment of annuall-rent of victuall: That the victuall therein conteined, ſall be reduced to ſik conformitie of price, as ſall anſwere to ten for the hundreth allanerlie: Swa that the partie addebted, payand ten for the hundreth, the ſamin ſall be als lauchfull, as gif they had payed the victuall conteined in the ſaidis infeftments. And becauſe there is diverſe perſones, quha obteinis themſelves infeft in the propertie of landes, for ſmall ſummes of money, under reverſion: and ſettis tack back againe to the heretour, or uthers to his behoove, for payment of ane great dewtie in ſilver or victuall, far exceeding the profite of Ten, for ilk hundreth: As alſwa be contract, band or obligation, makis ſimulat forme, of byeing or ſelling of victuall, to be delivered at ane certaine day, and failzieing thereof, certaine high prices liquidat therein, of intention onely in defraud of the ſaid act, to recover with their principall ſumme, ſik exorbitant ocker and profite, as is directlie forbidden herein: As likewiſe there is diverſe perſons, quha the time of the deburſing of the ſaid ſumme, quhilk they let to profite, aggries with the partie for the uſurie and ocker, far exceeding the ordinar annuall-rent foreſaid, and reteinis the ſame in their handes, and akis their ſecuritie be plain forme of obligation, or utherwayes of the haill ſumme to be payed at ane certaine terme, as gif na ſik exorbitant profite and ocker had bene deduced or allowed therein: Therefore ſtatutis and ordainis, that all ſik infeftments, bandes, contractes, or obligationes, quhilk ſall happen to be maid, in maner foreſaid, in defraud of the ſaidis acts and ſtatutes, and for circumvention of the lieges, aſtrictand them to pay farder profite in ſilver, nor according to ten for the hundreth: or mair victuall, nor may be anſwerable in price, to the annuall-rent in ſilver foreſaid, in maner abone ſpecified, ſall be null, and of nane availe, force nor effect, as gif the ſamin had never bene maid: Notwithſtanding quhat-ſumever uther culloured or pretended clauſe be inſert therein: And the ſaid nullitie upon the cauſes fore-ſaid; to be received ſummarlie, alſweill be way of exception and reply, as be way of action, and to be tryed be the aith of partie, and all uther lauchfull probation conjoyned therewith, competent of the Law; quhairby the ſaid un-lauchfull ocker may be verified to the Judge, and the ſaid nullitie to be perſewed be

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the partie, his aires, executoures, and aſſignayes: with concurrence of the Kings Advocate, againſt the creditour, his aires and executoures: Notwithſtanding quhat-ſum-ever ratification of the bande and infeftment, or renuntiation of the ſaid action, granted be the partie, quhairin it ſall nocht be leaſum to him to tranſact, without his Majeſties conſent and licence granted to that effect: And the ſaid infeftment, band, and obligation being reduced: the Kingis Majeſtie and his donatour to have undoubted richt to the principall ſumme quhilk was delivered, togidder with the ordinar annualrent, of all zeires and termes bygane unpayed: and the partie to have repetition of quhat-ſum-ever exorbitant profite he hes payed, exceeding the ordinar annuall foreſaid, in-caſe he concur with his Hienes Advocat, in the ſaid reduction, utherwayes to be debarred from the repetition of ony ſummes payed be him: The Kingis Majeſtie alwayes, his Advocat and donatour to have full richt in their perſones, to perſew the reduction, and annulling of the ſaidis ſecutities, for the cauſes foreſaidis, albeit the principall partie refuſis to concur with them therein.

248. *The paine of Bearers, uſers, or ſchutters with Piſtolettes, Culverings, dagges, or ingines of fire-warke.*

OUR Soveraine Lord, ratifies and apprievis the Acte of Parliament, maid of before be his Hieneſſe, with conſent of the three Eſtaites, in the Moneth of *December*, 1567. anent ſchutting and bearing of Culveringes, and uther ingines of fire-warke, and ordainis the ſame to be put to execution with all rigour. And the contraveeners thereof, to be puniſhed, conforme to the paines conteined therein: And mairover, be confiſcation of all their guddes moveable: Swa that the ane paine ſall not ſtop or ſtay the uther, except it be utherwayes thocht expedient be his Hienes: The ane halfe thereof, to apperteine to the apprehender, for his travell and laboures: and the uther halfe to be applyed to our Soveraine Lordis uſe: And for execution thereof, makis and conſtitutis, ilk Schireffe, Steward, Baillie, Barronne, and Proveſtes, Aldermen and Baillies within Burgh, his Majeſties Juſtices in that parte, everie ane within their Freedomes and Juriſdictiones: with power to them to ſearch, ſeek, take and apprehend the offenders and contraveeners, and put them to ane aſſiſe, and being convict, to put them in warde, quhill the paine foreſaid be paid, and untill they finde ſicker ſovertie to forbeare in time cumming: And this acte to ſerve for ane ſufficient commiſſion, to the effect foreſaid.

249. *The prices of gold and ſilver: Of foreine Cuinzie, and Bulzieon.*

OUR Soveraine Lorde and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the acte maid at *Dundie*, the fourteenth day of *Maij*, 1597. anent the downe crying of the ſilver: of the quhilk the tenour followis. The quhilk day the Kingis Majeſtie, his Nobilitie, Councell and Eſtaites preſentlie conveened: conſiddering the preſent ſcarcetie of cuinzied money, now current within this Realme: And the great dearth and exorbitant prices, quhairunto all ſortes of golde and ſilver, alſweill foreine, as of his Hieneſſe awin Cuinzie, ar preſentlie redacted, be the libertie, quhilk all ſortes and degrees of perſones takis at their awin handes, in raiſing of the prices of all Golde and Silver at their pleaſure, farre abone the juſte availle, preſcrived in his Hieneſſe Lawes, Actes, and Proclamationes, maid thereanent: Bee the quhilk forme of doing, and bee the un-lauchfull tranſporting of the Cuinzie at all times foorth of this Realme, great diſ-ordoure and confuſion hes bene interteined, and is lykelie daylie to in-creaſe, to the hurte of the commoun weill, and greate contempt of his Hieneſſe, and his authoritie, gif the Lawes alreadie maid hereanent, ſall not bee put to dew execution in all poyntes, according to the tenour thereof, with all convenient expedition, AND THEREFORE, his Majeſtie, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, hes concluded and ordained, and bee thir preſentes ratifies and apprievis, the Lawes alreadie maid, anent the diſchargeing of the daylie raiſing of the prices of Golde ond ſilver. AND ORDAINIS, that all and ſindrie perſones, tranſgreſſoures of the ſaidis Lawes, in raiſing of the ſaidis prices, ſall bee called, tryed, and puniſhed therefore, with all extremitie.

AND FORDER, That his Hieneſſe, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites fore-ſaidis, hes thocht meete to declare and make it maniſeſt: THAT Fra the ſeventeenth daye of *Maij* inſtant, The ounce of ſilver cuinzied in ten ſhilling peeces, and the uther ſmaller peeces of elleven pennie fine, cuinzied according to the laſte acte of Parliament, ſall ſtande at fiftie ſhillinges: And the aulde threttie ſhilling peeces, being of the like weicht and fineſſe, at the ſame price: And the newe threttie ſhilling peeces, being three quarters of ane ounce, at threttie ſeven ſhillinges ſex pennies: And the aulde and newe twentie and ten ſhillinge peeces, according thereto, *pro rata*: And the ounce of Golde, of twentie twa Carret fine being his Hieneſſe awin Cuinzie, of five pounde and fiftie ſhillinge peeces, ſall alſwa ſtande at threttie pounde the ounce: AND FORDER, That the ſpeces of money, and fineſſe thereof: To witte, of elleven pennie fine in ſilver: And twentie twa Carrette fine in Gold, ſall bee Cuinzied, and have courſe hereafter, conforme to the Actes of Parliamente, maid there-anent: AND THAT All Merchandes, or utheris perſones, tranſporters of the ſame foorth of this Realme, be tryed and puniſhed according to the ſaidis Lawes and Actes foreſaidis: And ſik-like, that na foreine Cuinzie of Golde or ſilver ſall have courſe amangſt his Hieneſſe lieges hereafter: Bot be halilie in-brocht to ſerve as Bulzieon to his Majeſties Cuinzie-houſe. And that all Golde, ſilver, or uther Cuinzie, quhilk ſall be

brocht within this Realme hereafter, quhair-unto his Hieneſſe ſubjectes ar aſtricted to bring in, bee his Majeſties Lawes, as Bulzieon: The ounce thereof, being of twelve denieres, Or being baſſer, and ſuppliel bee compt and quantitie, to bee woorth twelve Denieres: THE Merchandes in-bringers thereof, ſall have ane ounce of his Hieneſſe awin cuinzie of elleven denieres for everie ounce of bulzieon, brought in maner fore-ſaide: AND of all uther foreine Cuinzie, that they ſall voluntarlie bring in to the Cuinzie-houſe of the ſaide ordinar Bulzieon: That there be onlie the threttie pennie thereof reteined to his Majeſties profite.

And alſwa ordainis, that all the ſaide Lieges, conforme themſelves in this mater of the Cuinzie: to the will, declaration and determination of his Majeſtie, his Nobilitie, Councell, and Eſtaites foreſaids: And on na-wayes take upon hande to breake, or contraveene the ſamin in ony part, as they will anſwere to his Hieneſſe, upon their obedience, at their uttermaiſt charge and perrell: And under the paines preſcrived in his Hieneſſe Lawes, to be execute upon them without favour. And to this effect, that the Theſaurar and his deputes, inſiſt, and ſeeke the execution of the paines and puniſhmentes preſcrived in the ſaidis Lawes, againſt the contraveeners thereof, with all rigour and extremitie, as they will anſwere to his Hieneſſe, upon their office and obedience: And that the Generall Maiſter Cuinzieour, Warder, Counter warde, Maiſter Cuinzieor, aſſayer, ſinker, meltare, forger, and all uthers officiares of his Hienes Cuinzie-houſe, proceede to the cuinzieing, ſtriking, and forgeing of new Cuinzie, according to the Lawes alreadie maid, and this preſent acte and ordinance, as they will anſwere to his Hieneſſe, upon their offices. And to the effect his Majeſties ſubjectes may be reſolved of the prices of all golde and ſilver to be brocht be them within this Realme: And quhilk the Maiſter Cuinzieour ſall be aſtricted to paye to them, conforme to the tenour of thir preſents, he ſall be aſtricted to have openlie affixed in his houſe of exchange, ane authentick Table, to be maid be his Hieneſſe Commiſſioners, appoynted to that effect, conteinand the particular prices of all ſpeces of foreine Gold and Silver, uſuallie in-brocht within this Cuntrie: According to the availe, weicht, and fines thereof: And that the Clerke of his Hieneſſe Regiſter, cauſe imprent thir preſentes, and all uther Acts maid concerning the Cuinzie, Cuſtomes, and Bulzieon, quhair throw his Hieneſſe ſubjectes pretend na ignorance thereof: Quhilk acte abone written, our ſaid Soveraine Lord, with adviſe of the ſaids Eſtaites in Parliament, ratifies, apprievis, and confirmis in all poyntes, after the tenour thereof: And decernis and declaris the ſamin, to have the ſtrength, force and effect of ane Law and acte of Parliament, in all time cumming.

250. *Wooll ſuld not be tranſported foorth of the Realme.*

OUR Soveraine Lord, and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the act maid at *Dundie*, the thretteenth day of *Maij*, the zeir of God, ane thouſand, five hundreth, ninetie ſeven zeires: Anent the reteining of wooll within this Realme: Of the quhilk the tenour followis. THE Quhilk day, the Kingis Majeſtie, with adviſe of his Nobilitie, Councell, and Eſtaites, preſentlie conveened, ratifies, apprievis, and confirmis the Acte of Parliament, maid be his Hieneſſe, and his Eſtaites for the time; Anent the receiving and reteining within this Realme, of all the wooll quhilk growis within the ſame, in all and ſindry poyntes, artickles, and clauſis therein conteined: And ordainis the ſaid act to be put to dewe execution in all poyntes againſt the contraveeners thereof: notwithſtanding ony licences or uther diſpenſation, granted be his Hieneſſe in the contrair: Quhilkis licences and diſpenſationes, ſtrength and effect thereof, his Majeſtie annullis, and diſchargis *ſimpliciter* be thir preſentes: Promitting on na wayes, to grant ony ſik licences or diſpenſationes at ony time hereafter: And that craftef-men ſtrangers, be brocht hame within this Cuntrie, for woorking of the ſaid wooll within the ſamin, for the commoun weill and profite thereof, in time cumming: Quhilk acte abone written, our ſaid Soveraine Lorde, with adviſe of the Eſtaites in Parliament, ratifies, and confirmis in all poyntes, after the tenour thereof: And decernis and declaris the ſamin to have the ſtrength of ane Law and acte of Parliament, in all time cumming.

251. *All Merchandice brocht within this Realme, ſuld pay cuſtome.*

OUR Soverain Lord, and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis, the act maid at *Dundie*, the thretteenth day of *Maij*, the zeire of God, ane thouſand, five hundreth, ninetie ſeven zeires: Anent our Soveraine Lordis cuſtomes; of the quhilk the tenour followis: FORSAMEIKLE As it is underſtand to the Kingis Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened, that the ſubjectes of all Foreine Nationes, quhilkis bringis and tranſportis ony kinde of claith, or uthers wares or Merchandice, from ony Foreine Cuntrie, to their awin Native Cuntrie, hes bene in uſe, and zit ſtill continues, in the payment of certaine cuſtome, or uther exaction therefore, chiefelie at the time of their arrivall, and in-cumming within the ſamin: And almaiſt few or nane of the ſubjectes of ony Realme exeemed therefra (the ſubjectes of the Cuntry onely excepted quha be reaſon of ane alleaged by-paſt immunitie, claimis the priviledge of exemption) Albeit it cannot be denied bot his Majeſtie is a free Prince, of a Soveraine power, havand als greate liberties and Prerogatives, be the Lawes of this Realme, and Priviledge of his Crowne and Diademe, as ony uther King, or Prince, or Potentate quhat-ſum-ever: And therefore aucht to have the like cuſtome and exaction, for interteining of his Princelie Eſtaite of

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all Claith and uther wares and merchandice, to be brocht within this Realme, be his Hienes ſubjects, at all times hereafter. For the quhilk purpoſe, his Majeſtie, with adviſe of his ſaide Nobilitie, Councell and Eſtaites, hes thocht meete, concluded, and ordained, that all Claith, and utheris merchandice quhat-ſum-ever, to bee brocht within this Realme, fra all foreine Nationes, ſall pay the cuſtome following, at the time of their arrivall, and entrie therein, in all time cumming, that is to ſay, twelve pennies of everie poundes woorth of all ſortes of the ſaidis wares, or merchandice: And to this effecte, his Hieneſſe, and his ſaide Nobilitie, Councell, and Eſtaites, givis full power and Commiſſion to the Lordes, Auditoures of his Checker, and uthers of his Nobilitie and Councell, to the number alwaies of elleven perſones, at the leaſt, to ſet downe the *A. B. C.* of the cuſtome of all claith, and uthers wares, and merchandice, quhilkis ſall be brocht and entered within this Realme zeirlie here-after: with power likewiſe to them, to ſet price upon the ſaidis wares: Conforme to the quhilk the Cuſtomers, to bee appoynted bee his Majeſtie to that effect, ſall up-liſt cuſtome thereof: and to make all uther ordinances neceſſar for the eaſe of the merchandes, and furetie of his Hieneſſe Cuſtome, in the execution of the premiſſes: And alſwa of ſik uther guddes, to bee tranſported foorth of this Realme, as is not as zit expreſſed in the *A. B. C.* alreadie maid: Providing this Acte bee not extended to Earles, Lordes, Barronnes, and Free-halders: Bot it ſall be leaſum to them, to ſend their guddes beyond Sea, for their awin particular uſe: AND ALS, It ſall bee leaſum to them to bring within this Realme, Wines, Claithes, and uther furniſhinges, for their awin particular uſe: And nawaies to make merchandice thereof, conforme to the Lawes and liberties granted to them of before: The quhilk acte, above written, OUR SOVERAINE LORD, and Eſtaites foreſaidis, decernis and declaris, to ſtand as ane law in all time cumming.

252. Engliſh *claith, and all uthers* Engliſh *merchandice maid of wool, is forbidden.*

OUR SOVERAINE LORD, And Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the acte maid at *Dundie*, the threttenth daye of *Maij*, the zeir of GOD, ane thouſand, five hundreth, ninetie ſeven zeires: Anent the hame-bringing of *Engliſh* Claith: Of the quhilk the tenour followis: THE Quhilk day the Kings Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened, fore-ſeeing the greate hurte and inconveniente, quhilk the commoun weill of this Realme dailie ſuſteinis, throw the un-profitable trade uſed bee Merchandes, in the hame-bringing of *Engliſh* Claith, and utheris *Engliſh* wares and Merchandice maid of wooll: The ſame Claith havand onelie for the maiſt parte, ane outwarde ſchaw, wantand that ſubſtance and ſtrength, quhilk oft-times it appearis to have: And being ane of the chiefe cauſes of the tranſporting of all gold and ſilver foorth of this Realme: And conſequentlie of the great ſcarſitie, and preſent dearth of the cuinzie, now current within the ſamin: Seeing that kinde of exchange, cannot weill bee interteined be ony lauchfull trade, or utheris wares or merchandice, to be tranſported foorth of this Realme, quhilk be the Lawes of the ſamin, ar not alreadie prohibite and forbidden: And therefore his Majeſtie, with adviſe of his ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, hes thoucht meete and conveniente, to reſtraine the hame bringing within this Realme, of all *Engliſh* Claith, or uther *Engliſh* wares or merchandice maid of wooll in time cumming: And ordainis his Hieneſſe Lieges, of quhat eſtaite, qualitie, or degree that ever they be of, that nane of them take upon hande, to bye or bring hame within this Realme to be ſauld, ony kinde of *Engliſh* claith, or uther *Engliſh* wares, or merchandice maid of wooll, at ony time hereafter, under the paine of confiſcation of the ſame claith and merchandice: And all uthers the moveable guddes of the hame-bringers to his Majeſties uſe: The quhilk act, our ſaid Soveraine Lord, and Eſtaites foreſaids, ordainis to ſtand as ane law in all time cumming.

253. *Great burne Coale, ſuld not be tranſported furth of this Realme.*

OUR SOVERAINE LORDE, And Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the Acte maid at *Dundie*, the threttene daye of *Maij*, the zeire of God, ane thouſand, five hundreth, ninetie ſeven zeires: Anent the tranſporting of Coales furth of this Realme. Of the quhilk the tenour followis: FOR-Sameikle as it is underſtand to the Kingis Majeſtie, his Nobilitie, Councell, and Eſtaites, preſentlie conveened: That the greate burne Coales, ar commounlie tranſported foorth of this Realme, be diverſe and ſindrie perſones, quha at all times laidenis their Schippes and uthers veſchelles therewith, and tranſportis the ſame at their pleaſure, uſand the ſamin as a commoun trade togidder, without his Majeſties licence or permiſſion: To the great hurte of the commoun weill, and expreſſelie againſt his Hieneſſe Lawes, actes of Parliamente, and ſindrie proclamationes maid in the contrair: For remeid quhairof in time cumming his Majeſtie, with adviſe of the ſaidis Nobilitie, Councell, and Eſtaites foreſaidis, ſtatutis and ordainis, that na perſones, alſweill ſtrangers, as uthers borne ſubjectes of this Realme, take upon hande to tranſporte onie greate burne Coale foorth of this Realme, at ony time hereafter: Nor zit laiden their Schippes, Creares, or uthers veſchelles there-with, to be tranſported, as ſaid is, under the paine of confiſcation of the ſame Coales, Schippes, Creares, and uthers veſchelles, to his Majeſties uſe: Certifieng them, and they doe in the contrair, that the ſame Coalles, Schippes, Creares, and veſchelles, ſall be confiſcat and intrometted-with, with all rigour and extremitie, in exemple of utheris. And to this effect, that all Proveſtes and Baillies of the ſaidis Burrowes, Cuſtomers and ſearchoures quhat-ſum-ever,

ſall ſearch, ſeeke, take, and apprehend all and ſindrie perſones, contraveeners thereof, keip, and cauſe reteine their perſones in warde, within their Tolbuithes: Fenſe and arreiſt their ſchips, Creares and veſchelles, take the ſailes fra the Raes, and keip them under arreiſtment, at his Majeſties inſtance, quhairthrow they departe not: Notifiand their names to his Hienes, that his Majeſtie may give furder direction towards them, as apperteinis: As the ſaidis Proveſtes, Baillies, Cuſtomers, and ſearchoures will anſwere to his Hieneſſe, upon their office and obedience: The quhilk act, our ſaid Soveraine Lord and Eſtaites foreſaidis, ordainis to ſtande as ane law, in all time cumming.

254. *Forbidden guddes ſuld pay cuſtome.*

OUR SOVERAINE LORDE, And Eſtaites of Parliament, ſtatutis and ordainis, that in-caſe ony of the forbidden guddes under written, bee tranſported upon licence foorth of this Cuntrie: The tranſporters ſall pay therefore, the cuſtomes under-written, To wit, for ilk ſtane of wooll, five ſhillinges: Ilk douzane elnes of linning claith, foure ſhillinges: Ilk boll of victual, five ſhillinges, and ilk poundes woorth of forbidden *Engliſh* wares, in-brocht to this Cuntrie upon licence, twelve pennies.

255. *All cocquettes ſuld be ſpeciall, and conteine the particular kindes of Merchandice.*

ITEM, It is ſtatute and ordained, for eſchewing of the damnage and skaith quhilk dailie ariſis, throw generall and informall cocquettes, given and graunted within this Realme: That in all times cumming, all Clerkes of the Cocquet, ſall particularlie expreeme and ſpecifie in the Cocquettes given be them, the particular quantities of the guddes and merchandices, the ſpecial kindes and ſortes thereof: The names of the Merchandes, and awners of the ſamin: How meikle of the ſame guddes perteinis to ilk Merchand: And that the Conſervatour in the *Law-Cuntries*, doe not admit nor allow ony Cocquet, except it be written and formed in maner foreſaid, bot ſall confiſcate all the ſaidis guddes, nocht expreemed particularlie, as ſaid is: And make compt and reckoning thereof zeirlie to the Theſaurar, as he will anſwere upon his office.

256. *All Schippes ſuld have ane ſufficient Cocquet.*

IT Is ſtatute and ordained, becauſe the Cocquet is the Schippes paſport and teſtimonial of her lauchfulneſſe; That the Conſervatour ſall fenſe and arreiſt all Schippes nocht havand ane Cocquet, or nocht havand ane Cocquet formelie written: And eſcheit the haill guddes and geare being in the ſaid Schip, to our Soveraine Lordis uſe, and make compt thereof zeirlie in the Checker to the Theſaurar.

257. *The auth of the Merchandes, Skippers, and Factoures, paſſand to and fra the* Law-cuntries, *and furth of this Realme.*

ITEM, The Conſervatour ſall nocht receive or admit ony Cocquet, albeit the ſame be lauchfullie given, except the Merchandes, Skippers, Factoures, and everie ane of them, before the loſſing of ony of their guddes, make faith, and ſweare ſolemnedlie be God himſelfe his Creator, that hee hes na forbidden guddes or geare, nor na uther lauchfull merchandices, by, and attour that quhilk is conteined in the Cocquet: Nor knawis of nane to be in the ſamin Schip, perteining to uthers: And that ſa far as he underſtandis, the haill guddes and geare perteinis properlie to free men, and na part thereof to un-freemen: As alſwa at their back returning fra the *Law-cuntries*, towardes *Scotland:* They ſall likewiſe give their ſolemne aithes, before the laidening of the Schip, or inputting of ony guddes, that the guddes properlie perteinis to themſelves, and nocht to ſtrangers: And gif they loſſe onie guddes and geare cummand from *Scotland*, before the giving of the ſaide aith, or puttis ony guddes in Schip-buird, to be tranſported towardes *Scotland*, all the ſame guddes to bee confiſcate. And gif the ſaid aith be refuſed be them all, and they nawaies will make the ſame: It ſall be leaſum to the Conſervatour, to arreiſt the ſaide Schippe, and all the guddes conteined therein: And gif ſome makis aith, and uthers refuſis, hee ſall arreiſt all the guddes perteinand to the partie refuſand: And make compt thereof, as ſaide is: And quhat-ſum-ever guddes is nocht conteined in the Cocquet, to be confiſcat, as ſaid is.

ITEM, It is ſtatute and ordained, that all Merchandes and Skippers, at the receiving of their Cocquettes, in all partes and Portes within this Realme, ſall give their ſolemne aithes, and mak faith in forme and maner abone expreemed: And that they have na forbidden guddes, nor na uther lauchfull guddes or merchandice, except that quhilk is conteined in their Cocquet and entres: And ſall take na uther guds in, all that voyage, under the paines foreſaidis: Quhilk aith, ſall be maid to the Cuſtomers, quhair-anent they ſall be anſwerable zeirlie in the Checker.

258. *All Schippes and Merchandes ſuld land at the ordinar Staple.*

IT Is ſtatute and ordained, that na Schippe paſſand to the *Law-cuntries*, ſall lande onie mennis guddes or geare in ony parte thereof, bot at the Town of *Camp-Veere*, or the ordinarie Staple for the time: And na perſon ſall gang on Lande, or tranſporte ony thing out of the Schippe, before his arrival at the ſame Porte,

Porte, under the paine of ten poundes *Flemiſh* to bee taken up fra the contraveeners, be the Conſervatour, and he to bee comptable thereof, to the Theſaurar. AND Ordainis, the Conſervatour in time cumming, to take the aith of the Skipper and Merchandes here-anent, before the loſſing of ony of their guddes and geare.

259. *The Conſervatour ſuld puniſh uſurers.*

IT Is likewiſe ſtatute and ordained, That the Conſervatour ſall put the acts of Parliament to execution, anent ocker and uſurie upon all *Scottes* Merchandes, Skippers, and Factoures, within the *Law-cuntries*, conforme to the tenour of the ſaidis actes in all poyntes: As he will anſwere upon his office, and make compt anis in the zeir of his intromiſſion to his Hieneſſe Theſaurar.

260. *All Merchandes ſuld give ane inventare of their merchandice and guddes, to the Conſervatour.*

ITEM, Everie particular Merchande cummand foorth of the Law-cuntries to this Realme, ſall give up to the Conſervatour, the ſpecial quantitie of his guddes, and the qualitie thereof, before the in-barking of the ſamin guddes, under the paine of confiſcation thereof: And the Conſervatour to viſie and trie the ſame, at his pleaſure, to the effect that he may ſend hame ane Cockquet of the ſame, particularlie to his Majeſties Theſaurer, ſubſcrived be himſelfe or his depute: For eſchewing of the fraud quhilk may be uſed towardes his Majeſtie in his cuſtomes.

261. *Of ſlayers of read fiſh, Smoltes, frie, and Salmond in forbidden time.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, underſtanding that there hes bene diverſe actes of Parliament maid anent the ſlayers of black fiſhe in forbidden time, Smoltes, and fry of all Salmond fiſhe, and for halding downe of cruves and zaires, quhilk hes not tane effect, throw the iniquitie of the time, and conſiddering that the greateſt hurte and ſkaith is ſuſteined bee his Majeſtie, throw want and in-lack of ane great pairt of his Hieneſſe patrimonie, of the cuſtome of Salmound: Therefore his Grace, with conſent of the three Eſtaites, hes ratified and apprieved, and be thir preſentis, ratifies and apprievis, the former actes maid for puniſhing of ſlayers of read fiſh, ſmoltes, and fry of all fiſhes in forbidden time, commiſſion and power therein conteined: Making the particular perſones therein mentioned, Juſtices in that parte, with this addition: That all and ſindrie Earles, Lordes, Barronnes, Gentle-men, and Free-halders, havand land nixt adjacent to the waters and rivers, quhairin Salmonde fiſh ar taken and ſlaine, within all the partes and boundes of this Realme, ſall according to the General bande, finde caution and ſovertie, acted in the buikes of Councell, that they, and everie ane of them ſall be anſwerable for their awin tennentes and in-dwellers within their landes: And for all uthers within their boundes, ſa farre as their landes extendis, quhome they may ſtop or let, conforme to the generall bande, that they ſall not ſlay ony Salmond fiſhe, in forbidden time, with cobill, net, ſpeare, wand, creil, pock, or ony uther kinde of ingine: The Earle and Lord, under the paine of ane thouſand markes: The Barronne and Gentle-man, and uthers quhat-ſum-ever awners of waters and landes, under the paine of five hundreth markes: The ane halfe of the ſaidis paines, in-caſe of contravention to be up-lifted to his Majeſties uſe: And the uther half to the Judges conteined in the former acts: And that letters of horning be directed at the inſtance of the ſaids Judges, and charge the ſaidis Earles, Lordes, Gentle-men, and Free-halders, to finde the ſaid ſoverties, acted in maner foreſaid, exceptand furth of this preſent act, the waters of *Annand* and *Tweid*.

262. *The inhabitantes of the* Iles *and* Hielandes *ſuld ſchaw their haldinges.*

OUR SOVERAINE LORDE, With adviſe of the Eſtaites of this preſent Parliamente, Conſiddering that the in-habitantes of the *Hie-landes* and *Iles* of this Realme, quhilkis ar for the maiſt parte of his Hieneſſe annexed propertie: Hes nocht onelie fruſtrate his Majeſtie of the zeirlie payment of his proper rentes, and dew ſervice properlie addebted be them to his Majeſtie, foorth of the ſaidis Landes: Bot that they have likewiſe throuch their barbarous in-humanitie, maid, and preſentlie makis, the ſaidis *Hie-landes* and *Iles*, (quhilkis ar maiſt commodious in themſelves, alſweill bee the fertilitie of the grounde, as be rich fiſhinges bee Sea) altogidder un-profitable, baith to themſelves, and to all utheris his Hieneſſe Lieges within this Realme: They neither interteyning ony civill or honeſt ſocietie amangſt themſelves, neither zit admitting utheris his Hieneſſe Lieges, to trafficque within their boundes, with ſafetie of their lives and guddes. FOR Remeid quhairof, and that the ſaidis in-habitantes of the ſaidis *Hie-landes* and *Iles*, may the better bee reduced to ane godlie, honeſt, and civill maner of living: IT IS Statute and ordained, that all Landes-lordes, Chieftaines, and leaders of Clannes, principall Houſe-halders, heretoures, and utheris poſſeſſoures, or pretendand richt to ony landes, within the ſaidis *Hie-landes* and *Iles*, ſall betuixt this and the xv. daye of *Maij* nixt-to-cum, compeir before the Lordes of his Hieneſſe Checker, at *Edinburgh*, or quhair it ſall happen them to ſit for the time, and there bring and produce with them, all their infeftmentes, richtes

richtes and titles quhat-ſum-ever, quhairby they claime richt and title to ony parte of the landes or fiſhinges, with in the boundes foreſaidis: And then thereafter finde ſufficient caution, acted in the buikes of Checker: For zeirlie and thankfull payment to his Majeſtie, of his zeirlie rentes, dewties, and ſervice addebted be them, foorth of the landes, poſſeſſed and occupied bee them, or ony in their names: And that they themſelves, men, tennentes, ſervandes, and dependares, ſall bee anſwerable to his Hieneſſe Lawes and Juſtices: And that they, nor nane of them, ſall doe injurie to ony utheris his Hieneſſe Lieges, in their perſones or guddes, quha ſall happen to repaire and travell within the ſaidis bounds, for their lauchfull traffique within the ſamin: And that they, and every ane of them, ſall make redreſſe to all parties, ſkaithed and hurte, or to be ſkaithed and hurte bee them, in time cumming, under ſik paines as it ſall pleaſe the ſaidis Lordes of Checker to modifie, by reparation of the ſkaithe to the parties, that ſuſteined the ſamin: With certification to them, and ilk ane of them, gif they failzie in the premiſſes, or to compeare and finde caution in maner, and within the ſpace foreſaide: That they, and everie ane of them, quha failzies, ſall bee decerned, like as bee this preſent acte, they ar decerned, to forefault, amit, and tine all pretended infeftmentes, and uther richt and title they have, or may pretende to have, to ony landes quhat-ſum-ever, they have halden, or pretendis to hald of his Majeſtie, either in propertie, or ſuperioritie: Quhilkis their pretended infeftmentes and titles thereof, in-caſe of failzie foreſaide, ar now as then, and then as now, declared be this preſent Parliamente, to bee null and of nane availe, force, nor effect in themſelves, and that the nullitie thereof, ſall be received and admitted in all judgementes, be way of exception or reply, but ony proces, action, or declaratour of reduction to be given thereupon.

263. *Anent the bigging of Burrowes-Townes, in the* Iles *and* Hie-landes.

OUR SOVERAINE LORDE, With adviſe of the Eſtaſtes of this preſent Parliament: FOR the better interteining and continuing of civilitie and policie, within the HIE-LANDES and ILES: Hes ſtatute and ordained, that there be erected, and builded within the boundes thereof, Three Burghes and Burrowe-Townes in the maiſte convenient and commodious partes, meete for the ſamin: To wit, ane in *Kintyre*, ane uther in *Lochaber*, and the thrid in the *Lewis*: To the quhilks Burghes, and inhabitanres thereof, OUR SOVERAINE LORDE, And Eſtaites foreſaidis, ſall graunt, and be thir preſentis grauntis all Priviledges, quhilkis his Hieneſſe, or his Predeceſſoures hes granted to ony uther Burghes, or inhabitantes thereof, within this Realme. AND that it ſall be leaſum to OUR SOVERAINE LORDE, Be adviſe of the Lordes of his Majeſties Checker, to give, graunte, and diſpone, to everie ane of the ſaidis Burghes, ſameikle lande and grounde, foorth of his Hieneſſe annexed propertie, as may ſerve to bigge the ſaidis Townes upon the ſamin, with ſameikle lande and fiſhinges nixt adjacent thereto, in commoun gude to everie ane of the ſaidis three Townes, as may ſuſteine the commoun chairges thereof, to be halden in free Burgage of his Hieneſſe, in ſik forme and maner, as his Majeſties maiſt Noble Progenitoures of worthie memorie hes graunted of auld, to the erection of uthers Burghes of this Realme.

264. *Letters of horning, inhibitiones, interdictiones, executiones, and publications thereof, againſt perſones dwelland within Baillieries, ſuld be regiſtred in the Baillies buikes.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ſtatutis and ordainis, that all letters of Horning, relaxations, inhibitiones, interdictiones, and publicationes thereof, and utheris of the like ſorte, that ſall at ony time hereafter bee raiſed, and execute againſt quhat-ſum-ever perſon within this Realme, dwelland within the Baillaries or Stewardries, alſweill of Royaltie, as Regalitie, be execute at the mercat-croce of the head Burgh, or Toun of the ſaidis Baillaries and Stewardries, within the quhilk the ſaidis perſones dwellis: And als that the ſamin letters be regiſtred in the ſaidis Stewart and Baillies buikes: Quhilk regiſtration, ſall be als lauchfull in all time cumming, as gif the ſamin had bene regiſtred in the Schireffes buikes. And that all executiones and regiſtrationes, that ſall happen hereafter to be utherwaies execute and regiſtred, ſall be null, and of nane availe, with all that followed thereupon: And ordainis, all the generall clauſes and proviſiones inſert and mentioned in the acts of Parliament, maid of before, anent regiſtration of horninges, in the Schireffes buikes, to be halden as expreſſed and repeted in this preſent ordinance and conſtitution.

265. *Regiſtrations of letters of horning, relaxationes, inhibitiones ſuld be maid judiciallie: Or before ane Notar, and foure witneſſes: Of the Judge refuſand the regiſtration.*

IT Is ſtatute and ordained, that all regiſtrationes of letters of horning, relaxations, inhibitions, interdictions, before quhat-ſum-ever Schireffe, Steward, or Baillies, alſweill of royaltie, as regalitie, be either regiſtred in time cumming judicially, or before ane Notar, and four famous witneſſes, by and attour the ordinar Clerke: And in-caſe ony Schireffe, Baillie, or Steward, alſweill of Royaltie, as Regalitie, refuſis to regiſter the foreſaidis letters of horning, relaxations, interdictions, and uthers of the like ſorte:

That

That the partie quha preſentis the ſamin letter to be regiſtred: take inſtrumentes of the ſaide refuſal, and preſent the ſamin letter thereafter to the nixt Schireffe, Stewarde, or Baillie, or to the Clerke of Regiſter, and his deputes, to be depute be him: To the effect the ſamin may be regiſtred in the buikes of Councell: Quhilk regiſtration, ſall be als ſufficient, as gif the ſamin letters were regiſtred in the Schireffe, Stewarde, or Baillies buikes, quhair the ſaidis perſones dwellis.

266. *It is not leaſum to ſlay Deare, Raes, Hares, wilde-foules, or Dowes.*

OUR SOVERAINE LORDE, and Eſtaites of this preſent Parliament, ratifies, apprievis, and confirmis the actes, lawes, and conſtitutiones, maid be his Hieneſſe, and his Predeceſſoures of worthie memorie of before, againſt the ſchutting and ſlaying of Deare, Raes, Hares, wilde-foules, and Dowes, with hagbuttes, hand-gunnes, Croce-bowes, and Piſtolettes, and taking of them with girnes and nettes: And ordainis the ſame to be put to dew execution in all time hereafter, with this addition, that it ſall be leaſum to everie Schireffe, Steward, Baillie, and Barronne, within his awin boundes, to ſlay all lying dogges, quhilkis the fowlers uſis, for ſlauchter of the ſaid wilde-fowles, and tak and apprehend the ſaidis Fowlers themſelves, and put them in ſtockes, and deteine them therein, for the ſpace of 48. houres, as oft als they be apprehended.

267. *Auld unlawes, ar valued and amplified.*

OUR SOVERAINE LORDE, and Eſtaites foreſaidis: Conſidderand the great contempt done be the maiſt part of the Lieges of this Realm, quha ar charged to pas upon aſſiſes, or to do ony uther thing upon ſmall pecunial paines of un-lawes: Quhilkis paines be ſa ſmall, that they reſpect not the ſamin, bot diſobeyis our Soveraine Lordis authoritie: Therefore it is ſtatute and ordained, be our Soveraine Lord, and the three Eſtaites, that quhen-ſoever ony perſon contraveenis ony Law, ſtatute, or acte of Parliament, maid of before, conteinand ane ſpecial pecunial paine and unlaw: That he ſall pay for ilk twelve pennies of unlaw of auld, ten ſhillinges, of preſent current money of this Realme: And for ilk twentie ſhillinges of auld, ten poundes of preſent money: And ſwa foorth proportionallie: And this ordinance to be underſtand of pecunial paines and unlawes, conteined in the Lawes of this Realme, maid and conſtitute before the firſt day of March, in the zeir of God, 1542.

268. *Strang beggers, vagaboundes, and* Ægyptians *ſuld be puniſhed.*

OUR Soveraine Lorde, and Eſtaites of Parliament, ratifies and apprievis the actes of Parliament maid of before, againſt ſtrang and idle beggers, vagaboundes, and *Ægyptians*, with this addition, That ſtarke beggers and their bairnes, bee imployed in commoun warkes: And their ſervice mentioned in the act of Parliament, in the zeir of GOD, ane thouſand, five hundreth, ſeventie nine zeires, to bee prorogate, induring their life-times: And in place of ſeveral commiſſions in Landward to be granted be the King, for execution of the ſaid act, the power thereof to be granted to the particular Seſſion of the Kirk.

269. *The paines of Law-burrowes ſuld be payed be him quha for his diſobedience is denunced rebell: The cautioner may be perſewed, or the principall.*

OUR SOVERAINE LORDE, and Eſtaites of Parliament, ſtatutis and ordainis, that the paines of contravention, ſall be payed be the principal partie, that is charged to finde Law-burrowes, albeit hee paſſe to the horne, and finde not caution: And gif he finde caution, that baith he as principal, and als his cautioner, ſall be ſubject to the payment thereof, at the option of the perſewer, as in all uther pecunial obligationes.

270. *The paine of the generall bande, is divided betuixt the King and the partie.*

OUR SOVERAINE LORDE, and Eſtaites of Parliament, ſtatutis and ordainis, that the paines of contravention of the general bande, ſall be divided betuixt the King and the partie, in all time cumming.

271. *The Schireffe Clerkes, ſuld bring their buikes to the Checker: They ſuld be marked.*

OUR SOVERAINE LORD, and Eſtaites of this preſent Parliament, finding that the ſecuritie of all byeing and ſelling of landes, and of all eſcheittes, depends upon the regiſtration of inhibitiones, interdictiones, and horninges *reſpective*; the credite quhairof allanerlie perteinis to the Schireffe Clerkes, quha hes bene oftimes improven before the Seſſion: Therefore ſtatutis and ordainis, that their buikes be marked be the Clerk of Regiſter, in ſik forme and maner, as uther Notares buikes: And that the authenticke copies be reported zeirlie, to remaine in the Kingis Regiſter, quhair-anent they ſall be anſwerable zeirlie in the Checker, under the paine of wairding of their perſones, or horning, as ſall pleaſe the Lordes Auditoures of the Checker.

272. *Barronnes ſuld ſend to the Parliament Commiſſioners with ſufficient commiſſiones.*

OUR SOVERAINE LORD, And Eſtaites of Parliament, ſtatutis and ordainis, that na Barronnes be received as Commiſſioners, for ony Schireffedome within this Realme, at ony Parliament, to be halden hereafter: Except the ſaidis Barronnes bring and produce with them ſufficient Commiſſiones, granted to them in ane full convention of the haill Barronnes of the ſaid Schireffedome: Quhilk Commiſſion ſall be authorized, with the ſubſcription of ane great number of the Barronnes then preſent, togidder with the Clerke of the ſaid convention, his ſubſcription: And gif the ſaid Commiſſion be not paſt in dew forme, in maner foreſaid, his Hieneſſe and Eſtaites, diſchargis the Clerk of Regiſter, in all time hereafter, of ony receiving of their ſaidis Commiſſiones.

273. *Priſon-houſes ſuld be bigged within all Burrowes.*

OUR Soveraine Lorde, and Eſtaites of this preſent Parliament, underſtanding that for want of ſufficient and ſure priſones, jailles, and warde-houſes, ſindrie rebelles and tranſgreſſoures of the Lawes, alſweill criminall, as civill, eſcapis un-puniſhed, and Juſtice contemned: For remeid quhairof, our Soveraine Lorde and Eſtaites, hes ſtatute and ordained, that within the ſpace of three zeires, in all Burghes within this Realme, there be ſufficient and ſure jailles and warde-houſes bigged, up-halden and mainteined be the Proveſt, Baillies, Councell, and Communities of the ſaidis Burrowes, upon their awin commoun gude, or utherwayes upon the charges of the Burgh: And that for ſure impriſoning, warding, keiping and deteining of all ſik perſones, tranſgreſſoures of his Hieneſſe Lawes, upon their awin expenſes, alſweill criminall as civill, as ſall be preſented unto them, be the Schireffe of the Schire: To Stewards and Baillies of Regalities, within the quhilk the ſaids Burghes ar ſituate, and ſpeciallie quhair their judicatorie ſittis: And alſwa all uthers perſones preſented ather to warde, be vertew of their awin authoritie within Burghes, or utherwayes, upon letters of caption directed to them.

274. *Anent dimiſſion of Benefices conteining reſervation of the life-rent of the reſignant.*

FORSAMEIKLE As in the Parliament halden at *Edinburgh*, in the Moneth of Auguſt, the zeir of God, ane thouſand, five hundreth, foureſcore, foure zeires, All Succeſſouries and Proviſiones to Abbacies, Commendataries, Priories, and Nunries within this Realme, maid be the titulars thereof for the time, in favour of their Succeſſoures, nominate bee them, and giftes graunted to them there-upon, bee OUR SOVERAINE LORDE, conteining reſervationes of the dimitteris life-rent of the ſame, in reſpecte of the manifeſte abuſe and corruption thereof, are retreated, reſcinded and declared to bee null in the ſelfe. QUHILK ACTE Of Parliament, is declared be ane uther Acte of Parliamente, maid in the Moneth of *Iulij*, the zeir of God, ane thouſand, five hundreth, foureſcore threttene zeirs, to be extended to ſik proviſiones allanerly, as ſuld happen to be purchaſed, after the making of the ſaid firſt Act: And nocht to ſik proviſions as was dewlie and lauchfullie paſt, before the making of the ſaid firſt Acte, quhairupon diverſe perſones hes taken occaſion to purches and obteine giftes and proviſiones of the ſaids Benefices, as Succeſſoures nominate thereto, bee their Predeceſſoures: And upon their dimiſſion, with reſervation of their life-rentes: And hes antedated the ſignatoures thereof, as gif the ſamin had bene paſt, before the making of the ſaid firſt acte of Parliamente: And zit hes nocht paſt the ſamin, throw the greate ſeale, quhill lang after the making of the ſaid laſt act of Parliament: quhilk declaris plainelie, the manifeſt fraude and falſed of the ſaidis proviſiones. Quhilks proviſiones, ar nocht onlie maiſt wrangeouſlie and ſurreptitiouſlie purchaſed, as ſaid is: Bot alſwa ar maiſt prejudicial to his Hienes in his rente, and commoditie of the Temporal landes thereof: Quhilk perteinis to OUR SOVERAINE LORDE, bee the Acte of Annexation, as ane parte of the patrimonie of his Crowne: And therefore OUR ſaid SOVERAINE LORDE, and Eſtaites foreſaidis, conſiddering the manifeſt fraud and falſed committed in the purchaſſing of the ſaidis pretended proviſiones: AND FOR OBVIATING Of the ſamin, retreatis, reſcindis, caſſis and annullis all ſik proviſiounes of Abbacies, Priories, and Nunries, and uthers benefices maid, or to bee maid, be quhat-ſum-ever perſon or perſons, paſt upon the dimiſſion of their Predeceſſoures, and conteining the reſervation of their life-rentes, as ſaid is: Quhilkis were nocht dewlie and lauchfullie paſt and exped, with all ſolemnities: And ſpeciallie quhilkis were nocht paſte and exped throuch his Hieneſſe greate ſeale, before the making of the ſaid firſt act of Parliament maid there-anent, quhilk was in the moneth of *Auguſt*, the zeir of God, ane thouſand, five hundreth, auchtie foure zeires: And before the act of annexation: Bee the quhilk, the Temporal Landes was annexed to his Majeſties Crowne: And declaris the ſamin to have bene from the beginning, and to be null in all time cumming, of nane availe, force, nor effect, with all that hes followed, or may follow thereupon.

275. Of

275. *Of perſones dwelland within Burgh, ſubject to the helpe of the puir, to watching and warding.*

FOR-ſameikle as there is diverſe in-habitantes that dwellis and remainis within the free Burrowes, with their families, and ar of reaſonable ſubſtance: As alſwa hes rentes and livinges within the ſamin Burgh, zit refuſis to contribute for the interteinement of the puire, watching and warding within Burgh, with the reſt of the Nichtboures: or to beare their parte of ſik uther dewties, as concernis his Majeſties ſervice, thereby living at libertie, neither knawand the Magiſtrates in Kirk nor Policie: To the great hinderance of his Majeſties ſervice, and the haill Realme: For remeid quhairof, It is ſtatute and ordained, be our SOVERAINE LORD, and the three Eſtaites of this preſent Parliament, That all ſik as hes their reſidence and dwelling within the ſaidis Burrowes, be their families: And may ſpend ane hundreth poundes of zeirly rent within the ſame, or ſtented be the diſcreit Nichtboures, to be worth twa thouſand markes in free guddes: ſall be ſubject to be burdened with the reſt of the inhabitantes, for the advancement of the glorie of God, his Majeſties ſervice, and weill of the Burgh quhair they dwell: Providing alwaies that this act be nawaies extended to ſik as ar exeemed for his Majeſties ſervice, as ane of ilk occupation for that cauſe: Neither to ony perſons that ar members of the College of Juſtice, and admitted be the Lordes of the Seſſion.

276. *All Burgeſſes ſuld be taxed and ſtented be their Magiſtrates, according to the rentes within Burgh.*

OUR Soveraine Lord, and the three Eſtaites of this preſent Parliament, underſtanding that at ſik tymes, as taxationes and ſtentes, occurris within this lande: That the Proveſt and Baillies of Burrowes, and ſik as they appoynt Stenters within the ſamin, without all gud ordour and diſcretion, ſtentis ſindrie of the Burgeſſes, inhabitants of the Burrowes, quha hes their ſpecial rents and livinges to Land-wart, outwith burgh, according to their abilitie, alſweill to Land-wart, as to Burgh, albeit reaſon and equitie wauld crave, that they ſuld be only ſtented, according to their rentes, and halding within Burgh: Becauſe their rents and living lyand to Landwarte, ar ſtented, with the Barronnes, Gentle-men, and Free-halders within the Shires quhair they lye: It is therefore ſtatute and ordained, that in all time cuming, it ſall not be leaſum to the Proveſt and Baillies of Burghes, nor na Stenters within the ſame, to ſtente ony perſones therein, according to their livinges and rentes lyand out-with Burgh: Bot only according to their rents and halding within Burgh, as they do with vther perſones, of their rancke and ſubſtance, that hes na rente nor living out-with Burgh, and na utherwayes.

277. *Ane TAXATION to be granted to the KING: The forme and maner of the up-taking thereof.*

THE Eſtaites of Parliament, preſentlie conveenied, conſiddering how expedient it is that his Majeſtie, for ſindrie weichtie affaires, and of greate conſequence, tending to the advancement of his Hieneſſe honour and Eſtaite, and to the benefite of all the haill Lieges of this Realme: Sall direct diverſe and ſindrie honorable Embaſſadoures, to ſindrie foreine Princes: And fore-ſeeing the great and exceſſive charges that man bee maid bee his Majeſtie, in furniſhing, and reiking out of the ſaide Embaſſadoures: And his ſaidis Eſtaites being willing to helpe, further, and ſupplie the ſamin, and relieve his Majeſtie of ane parte thereof:

The diviſion of the taxatioun.

HES Therefore freelie and voluntarilie offered and graunted to his Majeſtie ane taxation of twa hundreth thouſand markes, to bee uplifted and payed be the haill Lieges of this Realme, in forme as followis. That is to ſay: The ſumme of ane hundreth thouſand markes, bee the Spiritual eſtate: The ſumme of threeſcore, ſex thouſand, ſex hundreth, threeſcore ſex markes, aucht ſhilinges, ten pennies, be the Barronnes, & Free-halders: And the ſume of threttie, three thouſand, three hundreth, threttie three markes, foure ſhilinges, ſex pennies, be the Burrowes of this Realme: And that to be payed betuixt and the firſt day of *April*, nixt to-cum: And for in-bringing of the Spiritual perſones part of the ſaid taxation:

The clergie.

IT IS Ordained, that letters be direct, chargeing all and ſindrie Biſhoppes, Abbottes, Priors, and utheris beneficed perſones, conteined in the taxt roll, their Chambmerlanes, Factoures, and intromettours with their livinges, to make payment of that ſumme, that they and everie ane of them ar taxt in, to *Marke*, Lord of *New-bottle*, Maiſter of requeſtes, his Hieneſſe Collectour generall, appoynted for receiving of the ſaide haill taxation: or his deputes and officiars in his name, havand his power to receive the ſamin: And that betuixt and the fifteenth day of *March* nixt to-cum, under the paine of rebellion, and putting of them to the Horne: And gif they failzie, the ſaid day being by-paſt, to denunce &c. And that the Prelates and beneficed men for their relieve, have letters to charge their vaſſalles, ſub-vaſſalles, Fewars, Tackeſ-men, Ladies of Terce, conjunct-feers, live-rentars, and penſioners, to make payment of their partes of the ſaid taxation *pro rata*, within xx. dayes, nixt after they be charged thereto, under the paine of rebellion &c. And gif they failzie, &c. To denunce &c. And gif neede beis, to poynd and diſtreinzie there-

therefore, as they thinke maiſt meete and expedient, alwaies declaris that the production of ſufficient horninges, againſt the ſaid fewars and vaſſalles, ſall be ane reliefe to the ſaidis Prelates: And ſall exoner them *pro tanto*, fra the payment of the ſaid taxation.

Fewares, tackeſmen, Penſioners, life-renters, and vaſſalles ſuld relief their Overlords and Maiſters.

AND Furder, that the ſaidis Prelates, and uthers beneficed perſones, may have their reliefe of their ſaidis vaſſalles, fewars, tackeſ-men, and penſioners, to their greater eaſe, and leſſe trouble, to their ſaids vaſſalles, and uthers foreſaidis, And to the effect that everie man proportionally, may pay his part of the ſaid taxation, according to the quantitie and availe of the free rente that he hes of his landes and teind ſcheaves, perteining to him, alſweill the Prelate himſelfe, as the fewar or tackeſ-man: It is thocht expedient, ſtatute and ordained, that the ſaidis Prelates, ſall everie ane of them ſeverallie conveene his haill fewars, vaſſalles, and tackeſ-men, at ſik convenient place as hee thinkis meeteſt: And cauſe ſummound them perſonallie, or at their dwelling places, for that effect: And being conveened, the ſaidis Prelates and beneficed perſones, ſall ſchaw to their ſaids vaſſalles, the quantitie of the taxation impoſed upon them, and they with ane conſent, ſall diſtribut the ſamin to be payed be everie man. Alſweill be the Prelate, as be the vaſſall, fewar, tackeſ-man, and penſioner, according to the great or ſmall quantitie of his free rents, that he hes either of his landes, teindes, or penſion, with certification to ony of the ſaidis perſones, fewares, vaſſalles, penſioners, and uthers foreſaidis, that compeiris not at the day appoynted, to the effect foreſaid, that ſik as ſall compeir with the ſaid Prelate and beneficed perſon, ſall proceede in the equall diſtribution of the ſaid taxt, alſweill amang them that ar preſent, as the abſentis quhilk ſall be als lauchfull in all reſpects, as gif the haill number were conveened.

Prelacies erected to Lord-ſhips.

AND als it is thocht expedient, ſtatute and ordained, that all erectiones of onie Prelacies in Temporal Lord-ſhippes, ſall in the payment of this preſent taxation, pay to the Collectoures of the ſaide taxation, ſa-meikle of this preſent taxation, *pro rata*, as gif they were nawaie erected, and as they were ſubject to do, before the erection of the ſamin, with ſpecial proviſion alwaies, that this ſall be na preparative of the like hereafter, Bot that in all time cumming, their ſaidis erectiones, ſall pay the taxationes, to be hereafter impoſed, as uther Temporal livinges within this Realme: And this nawaies to prejudge or derogate in onie waies to their ſaidis erectiones.

Benefices diſſolved.

AND Sik-like, it is ſtatute and ordained, that all diſſolved benefices within this Realme, ſall be ſubject in payment of ſameikle of the ſaid taxation, *pro rata*, as they wauld have bene ſubject to give, ſwa the ſamin had not bene diſſolved: And therefore, that letters be direct chargeing the preſent poſſeſſour of the ſaids diſſolved benefices, everie ane of them for their awin partes, to pay proportionallie their parte of the ſaid taxation, to the quantitie that the ſamin benefice wauld have bene taxt to, gif the ſamin benefice had not bene diſſolved, as ſaid is, within twentie daies nixt after they be charged thereto, under the paine of rebellion &c. And gif they failzie &c. To denunce &c.

Benefices vaikand.

AND Sik-like, becauſe that at this preſent, there ar ſindrie Prelacies vaikand, undiſponed to onie perſon or perſones quhat-ſum-ever: Therefore it is ſtatute and ordained, that the ſaid Collectour Generall, ſall uſe the like forme be himſelfe, or ſome uther ſufficient qualified perſon in his name, with the fewars, vaſſalles, and tackeſ-men of the ſaidis vaikand benefices, that is preſcrived and ſet downe of before, to be done be the Prelates, and uthers beneficed men, in the diſtributing of the ſaid taxation, as ſaid is: And the ſaidis Eſtaites authorizis the ſaide Collectour generall, of this preſent taxation, in the verie place of ane provided Prelate to the ſaids vaikand benefices, for this effect allanerly.

The Barronnes and Free-halders.

AND for the Barronnes and Free-halders part of the ſaid taxation, that letters be direct, chargeing all and ſindrie Schireffis, Stewards, Baillies, their deputes and Clerks, that they, and ilk ane of them, within the boundes of their offices, raiſe and up-lift the ſumme of 40. ſhillinges, of everie pound land of auld extent, lyand within the boundes of their juriſdiction and in-bring and deliver the ſame to the ſaid Collectour generall, betuixt and the xv. day of *March*, quhilk is the terme of payment of the ſaid taxation, under the paine of rebellion &c. And for their reliefe, that letters be direct, chargeing all and ſindry Earles, Lordes, Barronnes, and Free-halders, to make payment and deliverance to the ſaidis Schireffes, Stewards, Baillies, and their deputes and Clerks, ilk ane of them for their awin partes, for the ſumme particularlie abone written, of everie pound land of auld extent, perteining to them, As for the ſaid taxation, within xx. daies nixt after they be charged, under the paine of rebellion, &c. And gif they failzie &c. to denunce &c. and to eſcheit. Or elſe, that the ſaidis Schireffes, Stewardes, Baillies and their deputes poynd and diſtreinzie therefore: As they ſall thinke maiſt meete and expedient: And that the ſaidis Earles, Lordes, Barronnes, and Free-halders, have ſik-like letters for their relieve, againſt their vaſſalles, ſub-vaſſalles, Ladies of Terce, conjunct-feares, and life-renters.

Barronnies diſſolved or diſ-membred.

AND Becauſe there ar diverſe and ſindrie Barronnies, within this Realme, diſmembred, and the Barronnes of the ſaidis Barronnies in time by-gane, hes had na relieve *pro tanto*, of ſa-meikle of the ſaid Barronnie, as wes diſ-membred, againſt all reaſon, ſeeing that the Schireffe, Steward, or Baillie, or their deputes, without onie regard, charged the preſent Barronne, of the ſaide Barronnie, for the haill taxation of the ſamin, as gif na part thereof were diſ-membred: Therefore it is ſtatute and ordained, that all ſik partes of onie Barronnie, as ar diſ-membred therefra, ſall be retoured be the Schireffe of the Schire, quhair the ſamin lyis, to the availe and quantitie proportional, of the haill Barronnie: And being retoured, the ſaid Barronne ſall have letters of relieve, againſt the heretoures of the ſaid diſ-membred part of the Barronnie for relieving of him, of ſa-meikle of the ſaid taxation, as the ſamin landes ſall be retoured unto, be the Schireffe, within twentie dayes nixt after the charge, under the paine of rebellion &c. And gif they failzie &c. To denunce &c.

AND

AND Furder, It is ſtatute and ordained, that all the Stewardes and Baillies of onie part of his Hienes propertie, ſall with all convenient expedition, cauſe retour the haill landes of the ſamin, everie ane within his awin boundes and juriſdiction, and that to the ſamin availe, quantitie and proportion, as onie uther landes lyand nixt adjacent to the ſame; halden of his Majeſtie, ar ſet or retoured to: having nevertheleſſe ane ſpeciall regard to the free-rent, that the fewars and rentallers hes of the ſame lands, beſide their few-fermes and dewties payed be them, to our Soveraine Lord: Quhilks landes being retoured, as ſaid is: It is ordained that letters be direct be the ſaid Collector of this preſent taxation, charging the ſaidis Stewardes and Baillies, to raiſe and up-lift the ſumme of fourtie ſhillinges of everie pound lande, that his ſaid Hieneſſe propertie ſall be retoured to, everie ane within his awin juriſdiction, and in-bring and deliver the ſame to the ſaid Collectour, betuixt and the ſaid fifteenth day of *March* nixt-to-cum, under the paine of rebellion, &c. And gif they failzie, &c. to denunce, &c. And for their relieve, that letters be direct, chargeing all and ſindrie ſewars, rentallers, tennents, and tackeſ-men of his Hienes propertie, to make payment and deliverance to the ſaids fewars, Baillies, their deputes and Clerkes, ilk ane of them for their awin partes, the ſumme particularlie abone written, for everie pound land, that their ſaidis landes ſall be ſtented or retoured to, within xx. dayes, nixt after the charge, under the paine of rebellion &c. And gif they failzie, &c, To denunce &c. And gif need beis, that the ſaids Stewards and Baillies poynd and diſtreinzie therefore, as they ſall think maiſt meete and expedient. And becauſe his Majeſties propertie hereof, hes nawayes bene in uſe and conſuetude of payment of ony part of ony taxations granted heretofore, nether did they relieve the reſte of the Lieges, of ony parte of the ſamin. His Hieneſſe and Eſtaites foreſaidis, thinkis it maiſt meete and expedient, that the ſaid taxation to be up-lifted fra the ſaidis fewers, tennentes and tackeſ-men, of his Hieneſſe propertie, ſall be na-wayes accompted nor allowed in part of the ſaid ſumme of twa hundreth thouſand markes; bot the ſamin ſumme to be up-lifted, according to the diviſion abone written: And the ſummes to be up-lifted of the landes of his Hieneſſe propertie, to be maid compt of be the ſaid Collectour, over and beſide the ſumme of twa hundreth thouſand markes, granted, as ſaid is: Providing alwayes that the ſamin be na-wayes employed nor beſtowed to ony uſe quhat-ſum-ever, except to the ſamin effect that the uther great ſumme abone written. *The Kings propertie.*

AND For in-bringing of the Burrowes part of the ſaid taxation, that letters be direct, chargeing the Proveſt and Baillies of ilk Burgh, to make payment of the taxte and ſtent thereof, to the ſaidis Collectour generall, at the time abone ſpecified, under the paine of rebellion &c. And gif they failzie &c. To denunce &c. And for their reliefe: That letters be direct, chargeing all and ſindrie inhabitantes of ilk Burgh, to conveene and elect certaine perſones, to ſtent their nichtboures: And the ſaid election being maid, to charge the perſones elect, to accept the charge upon them, in ſetting of the ſaide ſtent upon the inhabitantes of ilk Burgh: And to conveene and ſet the ſamin, and make ane ſtent roll there-upon, as effeiris, within twentie four houres, nixt after they bee charged thereto, under the payne of rebellion &c. And gif they failzie, to denunce &c. And eſcheit &c. And ſik-like, the ſaide ſtent-roll being maid and ſet, as ſaid is, to charge the Burgeſſes, inhabitantes and nichtboures of ilk Burgh, to make payment of their partes of the ſaid ſtent, to the ſaidis Proveſt and Baillies, conforme to the taxt-roll, to be maid and given out thereupon, within three dayes, nixt after the charge, under the paine of rebellion &c. And gif neede beis, to denunce &c. And eſcheit &c. And gif neede beis, that the ſaids Proveſt and Baillies poynd and diſtreinzie therefore, as they thinke maiſt meete and expedient. IT IS ALWAIES Provided, that na perſon quhat-ſum-ever be ſtented or taxt within Burgh, except according to the availe and quantitie of his rente, living, guddes, and geare that he hes within Burgh, nawayes reſpectand his landes and poſſeſſiones, quhilkis he hes to Landwart, for the quhilkis hee will be obliſhed to pay taxation to uthers officiers. ATTOUR, THE Saids Eſtaites conſiddering the manifald abuſe that hes bene uſed in all times by-gane, be ſindrie of the Lieges, againſt all gude conſcience, in cauſing their puir Fermorers and labourers of their ground, being removeable, quha was ſubject in payment of verie deare fermes, to relieve them of the haill burden of the ſaide taxation, quhilk hes bene the occaſion of the im-poveriſhing of ane great number of the ſaidis Fermoreres, and bringing of them to utter wrack and ruin. Quhairas of reaſon, the ſaidis tennentes, ſuld be al-togidder free from the payment of onie taxation: And the ſamin ſuld be payed be ſik as hes free-rent, landes, and guddes of their awin: For remeid quhairof, It is ſtatute and ordained, that na perſon quhat-ſum-ever, exact or compell his tennentes and Fermorers removeable, quha payis him ferme for the landes occupyed be them, to pay ony parte of this preſent taxation, or to ſute reliefe for the ſamin, at their handes. And gif the ſamin beis found done be ony perſones, that they ſall be called and conveened before his Hieneſſe Juſtice and his deputes, as violent and maiſterfull oppreſſoures of his Hieneſſe ſubjectes, and puniſhed therefore, according to Juſtice. *The Burrowes part of the taxation.* *Fermorers removeable ſuld be free.*

AND TO THE EFFECT That bee the negligence of Collectoures, appoynted for in-gaddering of the ſaide taxation, in letting time over-ſlip, the ſilver be nocht in reddieneſſe in dew time, to the effectuating of the purpoſe, quhairfore the ſame was appoynted: therefore it is ordained, that the ſaidis letters and charges be directed againſt the ſaidis Prelates, beneficed perſones, Schireſſes, Stewardes, Baillies, and Proveſtes, and Baillies of Burrowes, to bee in reddineſſe againſt the firſt day of *Januar* nixt-to-cum; At the quhilk time, the ſaidis Collectoures ſall uſe all poſſible diligence, for the dewe execution of the ſamin.

Letters of ſuſpenſion.

ATTOUR, It is concluded, determined, and reſolved, that na ſuſpenſion of ony letters or charges to be direct for payment of the ſaide taxation, ſall be granted either be the Lordes of Councell and Seſſion, or be the Lordes of ſecreit Councell; bot diſchargis them *ſimpliciter* of ony granting of the ſamin: Alwayes as the equitie of the cauſe requiris, his Majeſtie and Eſtaites hes given and granted ſpeciall power and commiſſion to *Alexander*, Lord *Fyvie*, Preſident of the College of Juſtice: *Walter*, Prior of *Blantyre* Theſaurar: Maiſter *John Lindſay*, of *Balcar-houſe*, Secretar: Maiſter *Iames Elphinſtoun*, Perſon of *Egliſhame*: Maiſter *Iohn Skene*, Clerke of Regiſter: And Maiſter *Thomas Hammiltoun*, of *Drumcarny*, his Hienes Advocat. Giving them, at the leaſt onie foure of them being altogidder conveened allanerlie, power and commiſſion to grant the ſaidis ſuſpenſiones of the charges, direct for the ſaide taxation, and to decide the ſaidis ſuſpenſiones, according to equitie and Juſtice. Diſchargeing all uthers the Lordes of ſecreit Councell and Seſſion of ony melling therewith, and of their offices in that part: And als, our ſaid SOVERAINE LORDE, and his Eſtaites, hes given power and Commiſſion to the ſaidis perſones abone mentioned, to decide the haill ſuſpenſiones reſtand un-decided of onie taxationes, graunted heretofore, and ordainis them to miniſtrate Juſtice there-intill, according to reaſon.

Letters of horning or deforcement produced be Schireffes ſuld nocht be received.

AND Becauſe his Majeſtie hes bene defrauded of ane great parte of his taxation granted heretofore, be reaſon that the Schireffes of ilk Schire, quha ſulde be in-gadderers of the ſaide taxation, and ar men of that power and authoritie, within the ſaids Schireffe-domes, that there ar nane within the ſamin, that either dare or will in ony wayes reſiſt the ſaidis Schireffes, in poynding for this preſente taxation: zit nevertheleſſe, ſindrie of the ſaidis Schireffes heretofore, having had na regarde to the dewtifull obedience they aucht to his Majeſtie, and to the faithfull diſchargeing of their offices, hes thocht it in time by-gane, ane ſufficient exoneration of them, forſameikle of the ſaid taxation, as they produced letters of horning, execute againſt ony perſones for the ſamin: quhair be the power of the ſamin letters, he micht have lauchfully poinded the reddieſt guddes and geare of the ſaidis rebelles: or elſe be production of alleaged deforcementes, done wilfullie to defraude his Majeſtie, quhen as in their awin particular, they wald na-wayes ſuffer the like, being men of that authoritie and power, as ſaid is: That they ar able with ſtrang hand, to poynd and diſtreinzie the ſaidis rebelles guddes, gif they pleaſed. For remeid quhairof in time cumming: It is ſtatute and ordained, that neither the Collectours of the ſaid taxation, neither the Auditoures, to be appoynted hereafter, for the hearing of the ſaidis Collectoures compts, in ony wayes receive ony horning, or deforcement, for ane lauchfull exoneration to the ſaidis Schireffes, for the ſaid taxation, *pro tanto:* Bot allanerly the payment of the ſummes, for the quhilks they ar charged for: Alwayes the ſaidis Eſtaites remittis to his Majeſties conſideration, the condition of ſome Schireffes, quha are not of that power and authoritie, within their Schireffedomes, that they ar able with ſtrang hand, to poynd ſik rebelles guddes & geare, as ſall be deunced to the horne, for this preſent taxation, of quhom his Majeſtie hes promiſed, as he findis convenient to receive horninges and deforcementes for their exoneration.

The Schireffes and Officiares ſuld up-lift the taxation without ony dewtie.

AND BECAUSE Heretofore, there hes bene ane great abuſe uſed bee the Schireffes and their Officiares, in up-lifting and raiſing of uther taxations heretofore, be forceing the ſubjects to pay in ane maner ane new taxation to them, for in-gaddering the ſamin, alleageing it to perteine to them as Schireffes: Albeit they be their offices, ar ſubject in in-gaddering of the ſamin, and na-wayes the ſaidis ſubjectes debtebound in payment of ony dewtie to them: Therefore it is ſtatute and ordained, that na Schireffe nor officiar quhat-ſum-ever, directlie nor indirectly, upon ony kinde of pretext, charge, up-lift or raiſe fra ony of his Hieneſſe ſubjectes, onie dewtie quhat-ſum-ever, except the ſumme of fourtie ſhillinges, for everie pound land conteined in the letter, under the paine of deprivation of the ſaide Schireffe of his Office, in-caſe it be foundin that the ſame was in onie maner of way, done of his commande or allowance: And gif the faulte be committed be the Officiar himſelf, not only to be the deprivation of him *ſimpliciter* fra the Office, Bot alſwa to be an crime of falſed, and he to bee accuſed before the Juſtice and his deputs, and puniſhed to the death therefore with all rigour.

Perſones Privileged.

AND Forder, his Majeſtie and Eſtaites foreſaidis, be thir preſentis, annullis and diſchargis all priviledges and immunities quhat-ſum-ever, quhairby ony perſones may thinke themſelves free of payment of this preſent taxation (exceptand allanerly the priviledges of the Lordes & members of the College of Juſtice) Quhairunto his Hieneſſe and Eſtaites will na-wayes derogate in ony thing.

Precepts direct bee the King.

FURTHER HIS Majeſtie and Eſtaites being acquainted with the great abuſe that hes bene in times by-gane, be granting of precepts to ſindrie inoportune perſones, for anſwering them of ane pairte of ſindrie taxationes graunted heretofore, quhairthrow his Majeſtie hes bene verie far circumveened, the ſame ſummes of money impoſed upon the ſubjectes, being utherwayes beſtowed, nor to that end, quhairfore they were deſtinat: For remeid quhairof, his Majeſtie and Eſtaites foreſaidis, ordainis and commandis the ſaid Collectour, that he on na-wayes anſwere, obey, and make payment of ony parte of the ſaid taxation, to ony perſon or perſones, upon pretext of onie precept or preceptes to be direct or ſubſcrived be his Hieneſſe, except the ſaidis preceptes bee ſubſcrived bee the Commiſſioners under-written, quhom his Majeſtie and Eſtaites hes appoynted to be over-ſeers, that this preſente taxation be na-wayes employed, bot to the furniſhing of the ſaids Embaſſadours: They ar to ſay, *Peter*, Biſhop of *Dunkeld*: *David*, Biſhoppe of *Aberdene*: *Iohn*, Commendatar of *Haly-rude-houſe*: *Edward*, Commendatar of *Kinloſſe*: *William*, Earle of *Angus*: *George*, Earle *Marſhall*: *Iohn*, Earle of *Marre*: *Alexander*, Lorde *Levingſtoun*:

Commiſſioners.

Maiſter

Maiſter *David Carnegy* of *Culluthy*: Sir *George Hume* of *Wedder-burne* Knight: *Iohn Towres* of *Inner-Leith*, and *Alexander Stratoun* of *Laureſtoun*: *Henry Niſbet*, Proveſt of *Edinburgh*: Sir *William Seatoun*, Proveſt of *Hadingtoun*: *Nicoll Cornewell* of *Bonehard*, Proveſt of *Linlithgow*, and *Walter Cowane*, Commiſſioner to this preſent Parliament, for the Burgh of *Striviling*: Or ony aucht of them, there being alwayes twa of the Spirituall ſtaite: Twa Noble-men: Twa Barronnes, and twa Commiſſioners of Burrowes: Quhilkis perſones ſall allanerly direct the ſaidis precepts to the ſaid Collectour, for anſwering of ony part of the ſaid taxation, and that allanerly to the uſe abone written, for directing of the ſaidis Embaſſadoures. And gif ony precepts upon ony uther effect, or to ony uther uſe, bee anſwered, then to the uſe abone written, in that caſe, alſweill the ſaid Collectour, as ſa monie of the Commiſſioners abone written, as ſall ſubſcrive the ſaidis preceptes, ſall be anſwerable to his Hieneſſe and Eſtaites, for the ſumme deburſed. And the ſame preceptes ſall be na diſcharge and allowance to the ſaide Collectoure in his comptes. And gif at ony time appoynted for in-gathering of the ſaid taxation, occaſiones may interveene, that it ſall not be neceſſar to direct away anie ſik Embaſſadoures. It is alwayes provided, that the ſaid Collectour ſall reteine the ſaid ſumme in his hands ay and quhill that the ſaidis Embaſſadoures be direct: Or that be his Hieneſſe Parliament and Eſtaites to bee conveened hereafter: The ſaide ſumme ſall be imployed, with all their conſentes, to ſum uther gude warke, tending to his Hieneſſe honoure, advancement and weill of this Realme: Upon the quhilk declaration, *Henry Niſbet*, Proveſt of the Burgh of *Edinburgh*, in name of the haill Burrowes, asked inſtruments.

LIKE-WISE, It is provided that the ſaide Collectour ſall be na-wayes urged nor ſubject, to receive, nor anſwere ony aſſignation or precept, to the uſe abone written, exceeding his recept or intromiſſion, albeit the ſamin be orderly ſubſcrived, as ſaid is, bot that it ſall be ane ſufficient excuſe to him in refuſing the acceptation thereof, that he hes received na mair, nor hee hes deburſed alreadie, upon anterior precepts. *The Collectour ſall give furth na mair nor hee receivis.*

AND FURDER, His Majeſtie and Eſtaites, conſiddering that diverſe and ſindrie perſones, dwelland within Regalities, hes without onie regard of his Majeſties Lawes, paſt wilfullie to his Hieneſſe horne, and remained thereat as rebelles, thinking themſelves in ſuretie great anough, be reaſon that the Lordes of the ſaidis Regalities, having richt to their ſaidis eſcheittes, commounlie diſponis the ſamin in favours of the ſaidis rebelles: Quhair-throw his Majeſtie is defrauded of ſa-meikle of the ſaid taxation, as is to be payed be them: For remeid quhairof, his Majeſtie and Eſtaites, be thir preſentes, determinatis and concludis, that in all time hereafter, quhen onie perſon, within onie Regalitie within this Realme, be denunced for none-payment of the ſaid taxation, that the Lordes of the ſaide Regalitie, ſall either cauſe the ſaide ſumme, quhairfore the ſaide rebell is denunced, be payed to his Majeſties Collectour, of this preſent taxation, betuixt and the ſaid fifteenth daye of *March*, nixt-to-cum: Or then the ſaid Lord of Regalitie, ſall renunce and give over onie richt and title, that he may have or claime to the ſaid rebelles eſcheit: And that in favour of his Hieneſſe Theſaurer, quhom his Majeſtie and Eſtaites foreſaidis, ordainis to intromet there-with, and to make compt of the ſamin, before the Lordes Auditours of his Hieneſſe Checker: That be this preparative hereafter, his Hieneſſe be not defrauded of onie part of the ſaid taxation, be reaſon of the ſaid rebelles voluntar paſſing to the horne, as ſaid is. *Regalities.*

AND LAST, Becauſe the officiares, chargars for the ſaid taxation, up-lifteres, and receivers of the ſamin, hes bene in uſe of allowing to themſelves of great and extraordinar fees for their ſervice, quhilk was ane great impairing of the former taxation, there being ane great parte thereof beſtowed upon the charges, in in-getting of the ſamin, albeit it might have bene in-gaddered upon farre leſſe expenſes, gif ſwa the Collectoures of before had uſed the greater fore-ſight, in not ſuffering the ſaids officiares, to continue in their alleged wounted allowance: Therefore his Majeſtie and Eſtaites, ordainis the ſaide Collectour Generall, of the ſaid taxation, to compone, tranſact, and agree with the ſaidis officiares, executours of the ſaidis charges, upon als reaſonable condition as is poſſible, having na reſpect al-to-gidder, to anie auld conſuetudes, that the ſaidis officiares may crave be onie allowance granted of before. *Officiars fees.*

Collected, viſied and extracted, foorth of the Bukes and Regiſter of the Actes of Parliament, at his Majeſties command: Be me Maiſter JOHN SKENE, *Clerk of his Hieneſſe Councell, Regiſter and Rolles, under my ſigne and ſubſcription manuall.*

JOANNES SKENE

Clr. Regiſter.

FINIS.

ANE

ANE TABLE

Of the

PARTICVLAR ACTES and utheris, maid in the Parliament, halden at Edinburgh, *the nineteenth day of December, the zeir of God, ane thousand, five hundreth, ninetie seven zeires, nocht imprinted.*

ACTES IN FAVOURS

OF Lodovick, *Duke of* Lennox.
Sir Robert Mal-vill, *Knicht.*
The Bishoppe of Brechin.
The Laird of Philloth, *anent the College of* Fraser-burgh.
Maister Andrew Knox, *Minister of* Paisslay.
The Burgh of Aberdene.
The Burgh of Perth.
The Burgh of Hadingtoun.
Of the Kingis Lieges, quha accompanied his Majestie & his Lieu-tennente, in the North partes of this Realme.
Of William, *Earle of* Angus: George, *Earle of* Huntlie: *And* Frances, *Earle of* Erroll.

RATIFICATIONES

Of the Lordship of Dunfermeline *to the Qneenes Majestie.*
To Andrew, *Lord* Dingwell.
To the Bishop of Aberdene.
To the Burgh of Narne.
To the Burgh of Jedburgh.
Of the Consistorie of Aberdene.
Of the new fundation of the College of auld Aberdene.
To Maister Edward Bruyse, *Abbot of* Kinlosse.
To Maister William Mal-vill, *Lord of* Tungland.
To Sir Alexander Hume, *of* Snuick *Knight.*
To Eustathius Roch, *anent the making of Salt.*
Of the act of Copper cuinzie.

For Locall stipendes of Ministers.
For ane Grammer to be universallie teached.
For ordour and prioritie of place in Parliament.
For retouring of landes nocht retoured.
Anent the forme of proces against Witches.
Ane act anent certaine Kirkes of North-Berwick.
Ane act anent Christs-Kirk *of* Udny.
Anent the Kirk of Dummany.
Act for up-halding of the Brig of Don, *and the calsey of the Month of* Cowy.
Act for reparation of the Brig of Mussil-burgh.
Act for bigging of ane calsey upon Edmondstoun edge.
Exceptiones in favoures of Patrick, *Lord of* Lundoris.
Maister Peter Young *of* Seaton, *Maister* Almousser.
Sir Thomas Erskin, *of* Gogar, *Knight, and his Brether.*
Michael Elphinstoun, *and* Andrew Mal-vill, *Maisters of houshald.*
Sir James Mal-vill *of* Hal-hill *Knight.*
Sir Patrick Murray.
Patrick Hume *zounger of* Polwart.
William Elphinstoun.
Maister George Young, *Arche-deane of* Saint-Andrewes.
Maister Andrew Black-hall, *Minister of* Mussil-burgh.
And Bernard Lindesay.

Protestation conteinand the Kingis declaration, in favoures of Alexander, *Lord of* Spyny.

FINIS.

THE

THE SEXTENTH PARLIAMENT OF KING JAMES THE SEXT,

Halden at EDINBURH the XV. day of November the yeare of God 1600.

1. *The Fifth day of Auguſt is appoynted for giving yearly ſolemne thanks to God.*

FORSAMEIKLE As the Eſtaites of this Realme, acknowledging that ſingular benefite, grace and favour of GOD, beſtowed upon them by his miraculous and extraordinare preſervation of their moſt gracious SOVERAIGNE from the horrible and deteſtable murther, and parricide attempted againſt his Majeſties moſt Noble Perſon, by umwhyle *John* Earle of *Gowrie*, and umwhyle Maiſter *Alexander Ruthven* his Brother, upon the fifth day of Auguſt laſt by paſt. And that it becommeth them with moſt humble and thankfull hearts, to give unfained and daily praiſe to their mercifull GOD, for the ſaiftie of every one of themſelves, and of the haill bodie of this Common-wealth, preſerved from wrack and utter confuſion by the miraculous and bountifull deliverance of his Majeſtie, from the ſaid Treaſon in maner fore-ſaid. Therefore OUR SOVERAIGNE LORD with advice and conſent of the haill Eſtaites, Statutes and ordeins, that in all tymes and ages to come, the fifth day of Auguſt, ſhall yearlie be appoynted and keeped in all the Presbiteries and Parochins within this Realme, and bounds of his haill dominions, for publict preachings, prayers and ſolemne thankſ-giving to GOD for his great mercy and favour granted to this Realme, and every member thereof, by his Majeſties gratious and miraculous preſervation, as ſaid is, upon the ſaid day. As a perpetuall monument of their moſt humble, heartlie and unfained thankes, to GOD for the ſamin. And that all worke, labour, and other occupations, whilk may in any wiſe diſtract the people from the ſaids godlie exerciſes, and thankſ-giving yearlie, upon the day foreſaid, ſhall be forborne and abſtained from. And that all Judges Civill and Eccleſiaſticall, ſhall cauſe the ſamin to be univerſallie obſerved, every one of them within the bounds of their owne juriſdiction; and ſee the contraveiners thereof puniſhed according to the qualitie of their tranſgreſſion.

2. *Act of Annexation of the fore-faulted Lands, and others to the Crowne.*

FORSAMEIKLE As it is clearlie underſtand by the Kings Majeſtie, and Eſtaites of this Realme, that the augmentation of the Patrimonie and revenwes of the Crown thereof, not onely ſerves for the forthſetting and mainteinance of his Heighnes honour and Royall Eſtaite, but alſo releaves greatlie his ſubjects of divers charges and heavie burdings.

Therefore OUR SAID SOVERAIGNE LORD, following the commendable examples of his moſt Noble Progenitors, with adviſe and conſent of his Majeſties Eſtaites, unites, annexes and incorporats to his Heighnes Crowne, there-with to remaine perpetuallie, and inſeparablie in all tyme comming, the Lands, Lordſhips, Barronies, Abbacie, and others under-written, which may nether be given in frank-tenement, fee, or otherwiſe to any perſon of whatſomever Eſtate or degree, without advice, decreit and deliverance of the haill Parliament; and for great, reaſonable, profitable and ſeene cauſes concerning the wel-fair of the Realme; firſt to be adviſed and digeſtlie conſidered by the whole Eſtaites. And albeit it ſhall happen OUR SAID SOVERAIGNE LORD, that now is, or any of his Succeſſours, Kings of SCOTLAND, to annalie or diſpone the ſaids Lands, Lordſhips, Barronies, Abbacie, or others under-written, with their pertinents preſentlie annexed to the Crowne, as ſaid is, or any part thereof; that the ſaids alienations ſhall be null and of nane availl: and that it ſhall be leaſome to the King for the tyme or his Succeſſours, to receive the ſaids Lands, livings, Abbacie, and others fore-ſaids with the pertinents, to their owne uſe when ever it ſhall pleaſe them, without any proceſſe of Law, and the takers ſhall refound & pay all profites that they have taken up of the ſaids Lands, and others foreſaids to the King, for all the time that they have had them, with ſuch other reſtrictions as are conteined in the Acts of Parliament, made by his Majeſtie and his moſt noble Progenitours Kings of SCOTLAND in their annexations to the Crown. Whilks haill former Acts of annexation, and all and ſundrie artickles, proviſions and reſtrictions therein conteined, are halden as repeited, and ſpeciallie expreſſed and comprehended in this preſent Act. Theſe are the names of the lands and others with the pertinents

preſently annexed to the Crowne. All and haill the Lands, Lordſhippe and Barronie of *Gowrie* and *Scoone*. All and haill the Lands, Lordſhippe and Barronie of *Ruthven*, *Ballerno*, *Newtown*, *Kowgaske*, *Strath-braan*, *Glenſchie* and *Trochrie*. All and haill the Lands, Lordſhips, Barronies, Teinds, commodities and rents whilks perteined to the Abbacie and Monaſtrie of *Scoone*, with all and ſundrie the Lands, Lordſhips, Barronies, Mylnes, Moulters, Schawes, Woods, Parks, Fiſhings, Townes, Villages, Burrowes of Regalitie or Barronie, Tenements, Annuelrents, Reverſions, Cuſtomes, Few-fermes, Places, Houſes, Buildings, Caſtels, Towres, Manerplaces, Outſets, Yardes, Orchards, Kirks, Teynds, Advocation, Donation, and right of Patronage of Kirks, Hoſpitals, Chaplanries and Prebendaries, Tennents, Tennendries, and ſervice of Free-tennents, profites, emolumentes, commodities and pertinents what-ſom-ever of the ſaming Lordſhips, Barronies, Lands, Abbacie, Benefices, Patronages, Teinds and others particularlie above mentionat, or any parte thereof. All and haill the tenement and ludging in *Perth*, whilk perteined to umwhyle *Iohne* Earle of *Gowrie*, with the Yardes and others pertinents perteining thereto, With all & ſundry others Lands, Lordſhips, Barronies, Benefices, Rents and Poſſeſſions whilks perteined either to the ſaid umwhyle *Iohne* ſometime Earle of *Gowrie*, or to his Predeceſſours, to whom he was heire, or appearand heire, or to whilks any wyſe he might have ſucceeded, or have had right to, or was poſſeſt by him by the ſpace of five yeares, before the committing of the crimes of treaſon, for the whilks his memory and poſteritie are fore-faulted, and declared unhabile and incapable to bruike and poſſeſſe lands, heritages, benefices, offices or others dignities or commodities within this Realme, and now perteining to OUR SAID SOVERAIGNE LORD, and being in his Heighnes hands by reaſon foreſaid. Attour, OUR SAID SOVERAIGNE LORD, with adviſe foreſaid, ſuppreſſes and aboliſhes
Regalitie. the Regalities and heritable offices perteining to the ſaid *Iohne* Earle of *Gowrie*, or his Predeceſſors, or whilks were annexed to any of the Lands, Lordſhips, and others foreſaids, and unites, annexes, and incorporats the ſamin to his Heighnes Royaltie, there-with inſeparablie to remaine in all tyme comming. And ordeinis his Comptroller preſent and to come, to intromet with, up-lift, and diſpone upon the haill rents, profites and commodities of all and ſundrie the Lordſhips, Barronies, Lands, Teyndes, Rents, Revenewes, profites, commodities, and others, what-ſom-ever above ſpecified, to his Heighnes proper uſe, and intertainement of his Heighnes houſe, and other honorable charges belanging to the ſaid office in all tyme comming.

Union. Finallie OUR SAID SOVERAIGNE LORD, with adviſe and conſent foreſaid, unites all and ſundrie the Lands, Lordſhips, Barronies, Benefices, and others particularlie above mentioned, annexed to his Heighnes Crown, as ſaid is, to the ſaid Lordſhip of *Ruthven*, now and in all tyme comming, to be called the Lordſhip and Stewartrie of *Huntingtour*, and the tennents, inhabitants and poſſeſſors thereof, to be anſwerable to his Heighnes Stewart of the ſaid Lordſhip united, as ſaid is, with ſik freedomes, priviledges and liberties as are any wyſe competent to any Stewartry of his Heighnes propertie, or to the tennents and indwellers of any of his Heighnes proper lands within this Realme. Exceptand alwyſe and reſervand forth of this annexation, all and haill the thrid part of the Lands and Barronie of *Dirlton*, with the Towre, Fortalice, Manerplace thereof, *Brabrother-parke*, *Hiefield*, *Menſles and Menſleſmore*, the Toun & Lands of *Dirlton*, whilks were appryſed by umwhyle Maiſter *Adam Otterburne*, and redemed by umwhyle Dame *Iean Halyburnton*, with mylnes, moulters, cunnings, cunningers, fiſhings alſwell in ſalt water as in the freſhe, with the advocation and donation of the Proveſtrie of *Dirlton*, with the tennents, tennendries, and ſervice of free-tennents, of all and haill the lands and Barronie of *Dirlton*, with all the pertinents thereof. The thrid part of the lands & Barrony of *Bolton*, with mylnes, moulters, tennents, tennendries, & ſervice of free-tennents, of all & haill the ſaids Lands & Barronie of *Bolton*, with the pertinents. The thrid part of the lands & Barronie of *Haſſinden* & *Halyburnton*, mylnes & moulters thereof, advocation and donation of the chaplanrie of *Halyburnton*, with all their pertinents, with tennents, tennendries, and ſervice of free-tennents, Of all and haill the Lands and Barronie of *Halyburntoun* with all pertinents. All and haill the ſuperioritie and tennendries of the halfe lands & Barronie of *Ballegernoch*, with the pertinents. All and haill the thrid part of the Lands and Barronie of *Abernytie*, with the mylnes, moulters, mylne-lands, wak-mylnes thereof, tennents, tennendries, and ſervice of free-tennents of the ſamin. All and haill the thrid part of the half Lands of *Forgundeny*, with the mylnes, moulters, mylne-lands, tennents, tennendries, and ſervice of free-tennents of the ſaids halfe Lands and Barronie, advocation and donation of the chaplanry of *Forgundeny* with the pertinents. All and haill the thrid part of the Lands and Barronie of *Segie*, with mylnes, moulters, mylne-lands thereof, tennents, tennendries, and ſervice of free-tennents. Of all and haill the ſaids Lands and Barronie of *Segie*, with all and ſundry parts, pendicles and pertinents, annexes and connexes, of all and ſundry the ſaids lands and others reſpective above written. Whilks Lands, Barronies and others reſpective above ſpecified are ordeined by his Majeſtie and Eſtaites, to be diſponed heritablie to his Heighnes familiar and domeſtique ſervitor, Sir *Thomas Erſkine* of *Gogar* Knight, for great, ſeene and reaſonable cauſes of the Realme, And are declared no wyſe to be comprehended under this preſent annexation, nor no clauſe nor condition thereof. As likewyſe exceptand and reſervand forth and fra the ſaid annexation, all and haill the Lands and Teyndes of *Cowſland*, with all and ſundry their pertinents: whilks Lands and Teyndes with their haill pertinents, ar likewyſe ordeined by his Majeſtie and Eſtaites to be diſponed heritablie, to his Majeſties faithfull and truſtie ſervitour Sir *Hew Heries* Knight for great, ſene, profitable and neceſſare cauſes of the Realme, at lenth expreſſed in the ſaid Sir *Hewes* infeftment and ſecuritie of the ſaids Lands and Teyndes granted to him in this preſent Parliament whilks are halden as ſpeciallie expreſſed herein. And ſiklike, exceptand and reſervand forth of this preſent annexation, the yearlie penſion

of

of twentie chalders victuall, thereof ten chalders ten bolles beere; nyne chalders sex bolles meill, to be yearlie up-lifted and tane by the said Sir *Hew Heries*, his heires and assignayes, forth of the best and readiest payment of the haill frutes, rents, mailes, fermes, kaynes, customes and others dueties whatsomever of the lands and Lordship of *Scoone* and *Gowrie*; ay and whill the infestment of the lands and Barronie of *Cowsland* may take full effect, by possession in their persons, either by decease of Dame *Dorathie Stewart*, Countes of *Gowrie*, or by the eviction of the samin lands and Barronie of *Cowsland* from her by the Law. And how soone the said Sir *Hew Heries* or his foresaids shall happen to recover and to enjoy all and haill the saids lands and Barronie of *Cowsland* and teyndes thereof, that then the said letter of pension to remaine with his Heighnes Crowne for ever. As also, exceptand and reservand forth and from this present annexation, all and haill the lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties & service whatsomever adebted to be payed forth of the samin of before, to the Earles of *Gowrie*, or to the Commendators and Convent of *Scoone*, or either of them. As als all and haill the town and lands of *Durdy-Inglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties and service whatsomever adebted to be payed forth of the samin of before to the saids Earles of *Gowrie*, or to the saids Commendators and convent of *Scoone*, or either of them. To the effect that his Majestie may gif and dispone the saids lands of *Nether-leiff*, teyndes, few-fermes, arage, cariage, and all others dueties of the samin to *George Hay* of *Nether-leiff*, his heires & assignayes whatsomever heritablie or otherwyse: and the foresaid town and lands of *Durdy-Inglis*, alias, called *Nether-Durdie*, teyndes, few-fermes, arage, cariage, and all others dueties thereof, to Maister *Peter Hay* of *Durdy*, his heires and assignayes whatsomever, heritablie or otherwyse, in sik forme and maner as best shall please his Majestie.

Attour his Majestie, with advise foresaid, declares and ordeines, that this present annexation of the Lordship and Abbacie of *Scoone* to the Crown, shall nowyse be hurtfull nor prejudiciall to the yearlie pension of ten chalders victuall, granted or to be granted by his Heighnes to Maister *Patrik Galloway* forth thereof, during all the dayes of his lyftyme, conforme to his gift of pension, and speciall assignation thereof, made or to be made there-upon. Whilk his Heighnes, with advise and consent foresaid, Ratifies and approves in all poynts, and ordeines, if need beis, that the samin gift be at lenth insert in the Bookes of Parliament, for the said Master *Patrik* his better securitie, declaring that the said annexation shall not be effectuall but shall be suspended, induring the liftyme of the said Maister *Patrik*, in so far as concernes the saids teyndes, disponed or to be disponed, to him in maner foresaid allenarlie. And siklike exceptand and reservand forth of this present annexation of the Earledome and living of *Gowrie*, to his Heighnes Crown, all and haill the lands of *Craigtoun*, with the teyndes thereof, and the teind-shawes of the lands and town of *Gowktoun*, *Rybues*, *Segiden*, *Piscindie*, nether *Kinfawnes*, over *Kinfawnes*, *Byn* and *Tillibow* with their pertinents lyand within the Parochin of *Kinfawns*, the teynd-fish of the fishing of *Craigtoun*, *Incherrisleiplat*, *Stobriknodab*, the *Cruike* and all others teynd-fishings perteining to the Abbay of *Scoone*, from the wood of *Kinnowl* to *Incherry*: to the effect that our said Soveraigne Lord may give and dispone the samin to *John Lindesay*, alias, *Charteris*, eldest sonne and appearand heire to *Hendrie Lindesay*, alias *Charteris*, feer of *Kinfawnes*, his heires and assignayes, to be halden of his Heighnes, according to the condition & maner of halding, as the samin was halden of before, of the Earles of *Gowrie*, or Abbots of *Scoone*: and for the samin selfe duetie whilks the saids lands and teyndes was in use to pay to the Earles of *Gowrie*, or Abbots of *Scoone* before the making of this present act.

3. *Act in favours of the Vassels of the Earledome of Gowrie.*

OUR SOVERAIGNE LORD and haill Estaites of this present Parliament, remembring the good and notable act, made in his Majesties Parliament halden at *Striviling* in the Moneth of August, the yeare of God 1571. yeares, in favours of his Heighnes true and faithfull subjects, for bruiking of their lands, heritages, annuelrents, lyfrents, pensions or possessions whatsomever halden of any person, called and forefaulted in the said Parliament, notwithstanding the forefaulting of their Superiours thereof. And his Heighnes now being willing and fullie resolved to renew the foresaid act, and to grant the benefite and favour therein conteined, to all his faithfull and true subjects who or their Predicessours to whom they are heires, at the least appearand heires, albeit as yet not entered, held lands, heritages, annuelrents, lyfrents, mylnes, woods, fishinges, or other possessions whatsomever, of umqwhile *John* sometime Earle of *Gowrie*, or any of his Predicessours. Therefore Our said SOVERAIGNE LORD, with advise of the saids Estaites & whole bodie of this present Parliament, statutes, ordeines and declares, that all his Heighnes faithfull and true subjects, their heires and Successours, being nowyse culpable of the abhominable and horrible crymes of treason and leese-Majestie, attempted by the said umwhile *John* somtime Earle of *Gowrie*, against his Grace, most noble Person, shall bruike and possesse all their lands, heritages, woods, mylnes, fishings, annuelrents, lyfrents, tacks, rentalles and possessions whatsomever halden by them, or their Predicessours of the said umwhile *John* sometime Earle of *Gowrie*, or his Predicessours, and hald the samin of Our said SOVERAIGNE LORD, his Heighnes Successours and others, their next immediat superiours, their heires and Successours, conforme to their infestments, rights and securities thereof in all poyntes. Siklike and als freelie in all respects as if the processe and doome of forefaultrie had never bene led, deduced nor pronounced against the said *Iohne* sometime Earle of *Gowrie* in this present Parliament. And als notwithstanding the acte made in his Heighnes Parliament halden at *Edinburgh* the aught day of *Iune* the yeare

of God 1594. yeares, annulling the Acts of Parliament, made in favours of vaſſals, of perſons forefaulted To the whilk act, and all others acts, ſtatutes, or conſtitutions, made at ony time of before, and made or to be made, in this preſent Parliament, thir preſents makes and ſhall make full derogation: and that allanerlie in favours of the ſaids perſons, who, or their Prediceſſours held lands, heritages, and others foreſaids of the ſaid umquhile *Johne* ſometime Earle of *Gowrie*, or his Prediceſſours, as ſaid is. The foreſaids vaſſals, and every ane of them payand to his Majeſtie, and his Succeſſours, or any others their next immediat ſuperiours, for ilk twentie ſhilling land, whilk they held of before of the ſaid Earle of *Gowrie*, ten pounds money of this Realme betwix and Whitſonday next to come, for compoſition.

4. *Anent invading and perſewing of Counſellers.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, underſtanding that diverſe of the Lords of his Heighnes Secret Counſell and Seſſion, and others of his Heighnes Officiars, for the diſcharge of their bounden duetie in his Heighnes ſervice, incurres the haitred, indignation, malice and feed of ſundrie perſons, who often-tymes quarrels them, without any juſt cauſe. Therefore, Statutes and ordeines, that what-ſom-ever perſon in tyme comming, invades or perſewes any of his Hieghnes Seſſion, Secret Counſell, or any his Heighnes Officiars, it being verified and tryed, that any of the ſaids Counſellers, Seſſioners and Officiers, was perſewed and invaded for doing of his Hieghnes ſervice, ſhall be puniſhed to the death.

5. *Anent Purpriſion in the Kings Commonties.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſiddering that his Heighnes, and his Heighnes Prediceſſours, for the helpe and releef of his poore commouns, in diverſe parts of this Realme, hes reſerved great quantitie of Moores, and others common lands, nowyſe diſponed in propertie, to any particular perſon. Notwithſtanding whereof diverſe perſons, hes riven out, parked, tilled, ſawne, and laboured great portions of the ſamin commonties, without any right of propertie competent to them, to the prejudice of his Heighnes, and utter wrack of the poore tennents and commons of this Realme. Therefore, Statutes and ordeines that all perſons, who hes tilled, laboured, ſawne, parked, incloſed, or appropriat any part or portion of his Majeſties common Moores, or others commonties, belanging to his Heighnes, within the memorie of man; the ſamin being tryed, either by way of moleſtation, or by the Lords of the Seſſion, that they within yeare and day, after the ſaid tryell, lay in the ſamin commonties againe: to the effect the ſamine may remaine unlaboured or parked in any time thereafter; but to remaine as commontie, ſiklike and in the ſamine maner as it was before the ryving out or parking thereof. And gif they failie to doe the ſamine, within the ſpace foreſaid, lawfull tryall being tane therein, as ſaid is, they ſhall be decerned to have committed purpriſion. And ſiklike, OUR ſaid SOVERAIGNE LORD, and Eſtaits foreſaids, ſtatutes and ordeines, that wha-ſoever in tyme comming, ſhall till, labour, manure, ſaw, parke, incloſe, or appropriat any part or portion of his Majeſties common Moores, or others his Hieghnes commonties. (The ſamine being ſufficientlie tryed in maner foreſaid) ſhall be alſo decerned to have committed purpriſion, and puniſhed therefore conforme to the Lawes, uſe and conſuetude of this Realme, obſerved of auld in matters of purpriſion.

6. *Anent Bearers and Schutters with Hagbuts and Piſtolets.*

OUR SOVERAIGNE LORD, underſtanding that calling and perſewing of bearers, wearers & Schutters with Hagbuts and Piſtolets and others ingynes of fire-wark before his Juſtice and his deputes, breeds ſik trouble to parties and aſſiſours, and ſik difficultie in the tryell, that often-tymes innocent perſons, are thereby vexed, and ſik as are guiltie eſchewes their due puniſhment, by declyning of the aſſiſours, that beſt knawes the veritie of the fact, and other ſik ſubterfuges and delayes of lawfull tryell. For remeed whereof, his Heighnes with adviſe and conſent of his Eſtaits of Parliament, Statutes and ordeines, that the Bearers and Wearers of Hagbuts and Piſtolets, and others ingynes of fire-wark, who hath neither committed ſlaughter nor mutilation, nor other odious violence there-with, but onely borne and worne them upon their perſons, or in their companies, contrair his Heighnes Lawes, and Acts of Parliament, may be either perſewed criminallie before the Juſtice and his deputes, according to the Cuſtome heretofore obſerved, or before his Heighnes, and the Lords of Secret Counſell, upon lawfull probation of witnes, or eath of partie, at the option of his Heighnes Theſaurer or Advocat. Provyding alwyſe, that ſik as ſhall be perſewed before his Heighnes, and Lords of the Secret Counſell, and tryed by probation of witneſſes, guilty of any of the ſaids crymes, ſhall not incurre the corporall puniſhment preſcryved by the former Acts, be amputation of the right hand, but onely to be puniſhed by warding of their perſons, eſcheit of their goods movable or payment of ſik a pecuniall penaltie and ſumme of money, as his Heighnes and Lords of his Secret Councell ſhall decerne; but prejudice any wyſe of the execution of the former Acts of Parliament, againſt ſik as ſhall be criminallie perſewed, convict and found guilty by a condigne aſſiſe before his Heighnes and Juſtice generall, or his deputes foreſaids, incaſe his Majeſtie like rather that they be perſewed criminally before the Juſtice, nor before the Secret Counſell. And farther, his Heighnes and Eſtaits foreſaids, annuls & diſcharges all licences

licences given by his Majeſtie, for bearing and wearing of Hagbuts, Piſtolets and others ingynes of fire-wark. And ſtatutes and ordaines, that na licences ſhall be granted in tyme comming to no perſons for bearing and wearing of the ſamine, except that the ſamine licences be graunted by his Heighnes, and Lords of ſecret Counſell ſitting in Councell: And when the ſamine licences are ſa graunted, ordainis the ſamine licences to pay compoſition to his Heighnes Theſaurer, and paſſe his Regiſter, and to paſſe the Signet and haill ſeales; and decernes and declares all licences not graunted in Counſell, and whilk ſhall not pay compoſition and paſſe the Signet and haill ſeales, as ſaid is, to be null and of nane availl. And notwithſtanding thereof, the ſaids perſons to be accuſed, conforme to this preſent act, and acts of Parliament made of before.

7. *Explanation of the acts of Parliament anent Ocker and Uſurie.*

OUR SOVERAIGNE LORD, With adviſe and conſent of the Eſtaites, ratifies and approves the acts of Parliament made againſt Uſurie and taking of unlawfull annuel-rent or profite for ſilver in all poynts, according to the tenour of the ſamine. And becauſe the obſcurity of the act of his Majeſties fiftenth Parliament, titulat, It is not leſome to take mair annuel-rent or profite nor ten for the hundreth, anent the maner of tryell and probation of the ſaid cryme by eath of partie, and all other lawfull probation conjoyned there-with, competent of the Law, hes bred ſic difficultie in perſute and deciſion of the ſaids cauſes, that Juſtice thereby hes bene greatlie fruſtrat, and the contraveiners of the ſaid act altogether unpuniſhed.

Therefore his Majeſtie with advyce and conſent foreſaid, ſtatutes and ordaines that in all actions alreadie intended, dependand, or hereafter to be intended againſt contraveiners of the ſaids acts, Litiſconteſtation being made therein, by admitting of the ſummonds to probation, it ſhall be leſome to prove the ſaids ſummonds and contraveining of the ſaids acts, or any of them anent the taking of unlawfull and exhorbitant profite, for ſummes of money, by writte or eath of partie, receaver of the ſaid unlawfull profite, and be the witneſſes inſert in the ſaid ſecuritie, made for the ſaids ſummes, without receaving of the eath of the partie, giver of the ſaids unlawfull profites, for eſchewing of all occaſion of perjurie, whilk might be ſuſpected to proceed there-upon.

8. *Anent diſſolution of the Coal-heughs of the propertie, and lands where demoliſhed ſtrengths and Caſtels were builded of auld.*

OUR SOVERAIGNE LORD, underſtanding that the ground & boundes where diverſe Caſtels, Strengths and Forths perteining to his Majeſties moſt noble Progenitours, were of auld ſituat, is now altogether moſt deforme and unprofitable to his Majeſtie, the ſaids Caſtels and Forths being ſa demoliſhed, that there remaines no kynde of building therein, either for ſtrength or dwelling to his Majeſtie. As lykewyſe, that his Heighnes Coal-heughes within the boundes of his annexed propertie, being unhabile to be wrought, without advancement of great expenſes, are ſa neglected that his Majeſtie neither receavis furniture of coales to his Heighnes houſe thereby, nor any other profite or commoditie of the ſamine. For remeed whereof, OUR ſaid SOVERAINE LORD, with advyſe and conſent of his Eſtaites of Parliament, ſtatutes and ordaines that it ſhall be leaſome to his Heighnes, to ſett all and ſundrie the lands and bounds with the pertinents, where-upon any of the ſaids auld demoliſhed and unhabitable Caſtels and Forths were ſituated; together with the Medowes and Loches belanging thereto, and Coal-heughs being within the boundes of his annexed propertie, in few-ferme heritablie. So that it be not in dimunition of his Heighnes Rentall, Greſſum or others dueties, but in augmentation thereof. And to that effect, with conſent foreſaid, makes preſent diſſolution thereof. And that the lands, Medowes, Loches, Coal-heughes, and others ſet by his Majeſtie, by vertue of this Act in maner foreſaid, ſhall ſtand perpetuallie, and after his deceaſe, the annexations made before to returne againe to the awne nature. Sa that his Succeſſours, after his deceaſe, ſhall have na farther power to annalie nor wodſet in few any of the ſaids lands, boundes, Loches, Medowes, Coal-heughes, and others foreſaids, nor they had before the making of this preſent diſſolution. And his Heighnes and Eſtaites of Parliament, declares that the foreſaid diſſolution ſhall nowyſe hurt nor prejudge *Alexander* Lord *Levingſton* his rights, whilks he hath to the Coall of *Bonitoun* beſide *Lithgow*, and his right that he hath to the Caſtel of *Blacknes*, with the greines and pertinents belanging thereto.

Act anent cunyie and Bullion.

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, having at length reaſoned anent the ſtate of the Cunyie, as the ſamine is preſently current within this Realme declares, that in this preſent Parliament, they will on no wyſe alter the ſynnes nor pryces of the Cunyie, either of gould or ſilver; but that the ſamine have free paſſage and courſe hereafter as it preſently gives. And becauſe his Majeſtie and Eſtaites underſtands that there is great ſcairſitie of Cunyie for the tyme within this Realme. Therefore, hes given power and commiſſion to the Lords of his Heighnes ſecret Counſell, for ordour taking anent the hame-bringing of Bulyeon for furniſhing of the Cunye-houſe, and diſcharging the tranſporting and away taking of gould, ſilver and other forbidden geare, under the paine of puniſhing of their bodies and goods, according to the diſcretion of the ſaids Commiſſioners. Whereby the Countrie may be furniſhed with aboundance of

Cunyie of ſik fynnes and pryces as the ſamine preſentlie gives, and hes paſſage within this Realme. And theſe preſents to be publiſhed to all OUR SOVERAIGNE LORDS Lieges.

10. *Act anent the ſalting and tranſporting of herring.*

THE Kings Majeſtie with the advyce of the Eſtaites of this preſent Parliament, ſtatutes and ordaines, that na perſon nor perſons, alſwell ſtrangers as native borne ſubjects of this Realme, take upon hand to buy, pack, peill, ſalt, barrell, or yet tranſport foorth of this Realme, any herring in ſmall or great quantitie at any tyme before Michael-mes yearlie; but to ſuffer the ſamine to be brought to publick marcets, and there ſauld to all his Heighnes Lieges, upon reaſonable pryces, without attempting any thing in the contraire thereof, under the paine of confiſcation of the ſamine herring, barrels, ſhippes and veſhels; and of all the reſt of the movable goods of the perſons, contraveiners hereof in any poynt, The thrid part of the ſamine to the apprehender, and the reſt to his Majeſties uſe, to be intrometted with by his Heighnes Comptroller, and ſik as he ſhall give power and commiſſion to for that effect. And ſtatutes and ordaines, that no licences be granted hereafter for packing, peilling, ſalting and tranſporting of herring before the tyme foreſaid; except the ſamine licences be graunted with conſent of the Counſell ſitting in the Councell. And after the graunting of the ſaids licences, ordaines the ſamine to paſſe the Signet and haill ſeals, otherwyſe declares the ſamine licences to be null and of nane availl.

11. *Slaying of Salmond in forbidden tyme, to be ane cryme of thift in tyme comming.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, ſtatutes and ordaines, that the ſlaying of Salmond in forbidden tyme, or of Kipper, Smolts, or ſik black fiſhe at any tyme, ſhall be in all tyme comming, ane cryme of thift to the committer whatſomever in all tyme comming; and ſhall be puniſhed as thift in every qualitie, according to the committers rank and eſtate. Exceptand alwyſe forth of this preſent act, the Salmond, Kipper, Smolts, and all other fiſhes ſlane or tane within the rivers of *Annand* and *Tweed* allanerlie.

12. *Anent ſingular Combats.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſiddering the great libertie that ſundrie perſones takes in provoking of others to ſingular combats, upon ſuddaine and frivole quarrels whilk hes ingennered great inconvenients within this Realme.

Therefore, ſtatutes and ordaines, that no perſon in tyme comming, without his Heighnes licence fight any ſingular combat, under the paine of death, and his movable geare eſcheat to his Heighnes uſe. And the provoker to be puniſhed with a more ignominious death nor the defender, at the pleaſure of his Majeſtie.

13. *Anent Hornings.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſiddering the great expenſes and faſherie the Lieges of this Realme ſuſteines, by ſeeking of a Notar and foure witneſſes, to the regiſtration of all letters of Horning, Relaxations, Inhibitions and Interdictions, in the Schireffes, Baillies or Stewarts bookes within this Realme. And als ſuſteins great delay by ſeeking of the Clerks wha ſhould regiſtrat the ſamine.

Therefore OUR SOVERAIGNE LORD, and Eſtaites foreſaids, diſcharges that part of the act of Parliament made in the Moneth of December 1597. yeares, anent the regiſtration of the ſamine letters of Horning, Relaxation, Inhibition and Interdiction, before a Notar and witneſſes. And decernes and declares the ſamine letters whilks are or ſhall be regiſtrat in the ſaids Schireffes, Baillies or Stewarts bookes by the Clerk thereof. Or by the Clerk of Regiſter and his deputes, in the bookes of Counſell, ſhall be valide and ſufficient in the ſelfe, and ſhall make faith in judgment or out-with in all tyme comming.

14. *The negligence of the Kings Officiars may be ſupplied by their ſucceſſours.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, ſtatutes and ordaines, that the ſleuth and negligence of any of his Heighnes officiars, in the perſewing or defending of any of his actions or cauſes in any tyme by-gane or to come; ſhall nowyſe be prejudicial or hurtfull to his Heighnes, but that he and his officiars, ſucceſſours in that office, may without any ordour of reduction, and by way of exception or reply, uſe and propone all and ſundrie exceptions, replyes and defenſes competent of the Law, whilks were willinglie or negligentlie omitted by their prediceſſours. And thereby ſupplie whatſomever thing that hes bene neglected or amitted by the ſaids prediceſſours. To the effect, that his Heighnes and his Crown be no wyſe hurt, nor prejudged by negligent Officiars, and the benefite of his Lawes may be competent to him at all tymes when it ſhall pleaſe him and his officiars to crave and uſe the ſamine.

15. *The*

15. *The paine of forbidden and uncuſtomed goodes.*

OUR SOVERAIGNE LORD, with conſent of the Eſtaites of this preſent Parliament, ſtatutes and ordaines that na perſon nor perſons, take upon hand in tyme comming to tranſport forth of this Realme, or inbring within the ſamine any forbidden or uncuſtomed goodes under the payne of tynſell of their movable goodes that ſhall happen to come in the contrare hereof. That is to ſay, the ſaids forbidden and uncuſtomed goods that ſhall happen to be taken and apprehended, to apperteine as eſcheat to OUR SOVERAIGNE LORD, and to be intrometted with, and up-taken by his Heighnes Comptroller, and compt thereof to be made by him in the Checker, and the remanent of the movable goodes and geare perteining to the contraveiners of this preſent act, to be eſcheat for their contemption by OUR SOVERAIGNE LORDS Theſaurer. For the whilk he ſall be lykewyſe obliſhed to make compt in all tyme comming. And diſcharges all licences alreadie granted to that effect, and that no licence paſſe hereafter, except the ſamine be paſt in Counſell, and paſſe the haill Seales, and pay compoſition to his Heighnes. And ordaines letters to be direct hereupon as effeirs.

16. *Ratification of the acts made of before in favours of the Kirk.*

OUR SOVERAIGNE LORD, With advyce of the Eſtaites of this preſent Parliament, ratifies, approves and confirmes the libertie of the true and holy Kirk and Religion, preſentlie profeſſed within this Realme, and eſtabliſhed by the Lawes of the ſamine; and all acts, conſtitutions and immunities made and graunted to the ſamine, alſwell in his Heighnes minoritie as ſince his perfite age. And ordaines the ſamine to be put to execution in all poyntes, againſt all perſons whatſomever in all tyme comming.

17. *Act anent non Communicants.*

OUR SOVERAIGNE LORD, with advyce of the Eſtaites of this preſent Parliament, Ratifies, approves and confirmes the Act made in the convention of the Eſtaites at *Haly-rude-houſe*, the day of October, the yeare of God 1598. anent non Communicants, whereof the tennour followes. FORSAMEIKLE as by diverſe and ſundrie lovable Actes of Parliament, made by his Heighnes, and his umwhyle Mother of good memory, ſince the reformation of the Religion. It is ſtatute and ordained, that all his Heighnes ſubjects ſhould embrace the Religion preſently profeſſed, alſwell by hearing of the word, as participation of the Sacraments. Notwithſtanding whereof, ſundrie perſons of the Realme abſteins from the receaving of the Communion and Lords Supper, pretending an excuſe of rancour and malice that they have in their myndes, againſt ſome of their Neighbours, bearing them at deadly feed. Alledging ſo long as the ſamine rancour remaines with them, and they nowyſe reconciled with their ſaids Neighbours, that they can not worthelie receave the ſaids Sacraments, and can not juſtly be burdened by the Miniſtrie to doe the ſamine. Whilk pretended excuſe is nothing but a cullour and clock to cover their Papiſtrie, whilk is the onely cauſe of their abſteining to communicat. And in ſo far as by the acts of general Aſſemblie, it is found that deadly feed can be no lawfull cauſe why any perſon ſhould debar himſelfe from the Seales and Sacraments of his Communion with Chriſt.

Therefore his Heighnes with advyce of the Eſtaites preſentlie conveined, hes ſtatute and ordained, that all his Heighnes ſubjects ſhall communicat once every yeare; and ſhall no wyſe pretend any excuſe of deadly feade, rancour or malice to appeare towards their neighbours. And when ever it ſhall happen any to abſteine or debar himſelfe from the participation of the ſaid Sacrament, upon the pretence of the ſaid excuſe, or any other cauſe whatſomever, they being firſt lawfully requyred by their Paſtor or Presbyterie to doe the ſamine; that then they ſhall be aſtricted to pay the particular penalties under written, enjoyned to them, and that to his Heighnes Theſaurer. That is to ſay, every Earle ſo oft as he ſhall contravene the premiſſes, a thouſand pounds. Every Lord, a thouſand markes. Every Barron, five hundreth pounds. Every Freehalder, three hundreth markes. Every Yeoman, fourtie pounds. And every Burges according to the modification of the Kings Majeſtie and Lords of ſecret Counſell. Whilkes paines, the ſaids Eſtaites hes ordained OUR SOVERAIGNE LORDS Theſaurer, to execute with all extremitie againſt the contraveiners hereof, and to intromet there-with to his Heighnes uſe.

18. *Ratification of the act anent Jeſuits, Preiſts, excommunicat and traffiking Papiſts.*

OUR SOVERAIGNE LORD, with advyce and conſent of the Eſtaites of this preſent Parliament, Ratifies, approves and confirmes the act made in the ſecret Counſell at Sanct *Johnſton*, the firſt day of Apryle 1600. yeares. Anent the Jeſuits, Seminarie Preiſts, excommunicat and traffiking Papiſts, common enemies to all Chriſtian Governement, whereof the tennour followes. For-ſameikle, as by diverſe Actes and Proclamations made and publiſhed heretofore, all Jeſuits, Seminarie Preiſts, excommunicat and traffiking Papiſts, common enemies to all Chriſtian Governement, are ſpecially commanded to depart and paſſe forth of this Realme, under certaine paines mentioned in the ſamine act. The not execution whereof hes produced ſik a contempt and miſregarde of the ſaids acts, that the reſait and traffik of the ſaids Jeſuites and

and Seminarie Preists, is very frequent in ſundry parts of this Realme, where-throw great numbers of ignorant and ſimple people are ſeduced by them, to declyne from the true and Chriſtian Religion, to the offence and diſpleaſure of God.

For remeed whereof, it is ſtatute and ordained by his Majeſtie, and Lords of his Heighnes ſecret Counſell, that whatſomever Jeſuites, Seminarie Preiſts, excommunicat and traffiking Papiſts, preſently being within this Realme; or that ſhall happen to be within the ſamine, ſhall immediatly after their delation to his Majeſtie, be taken and apprehended by ordinar Magiſtrats of the bounds where they reſort, and committed to warde, ay and whill they be converted to the Religion, removed and put out of the Countrie, or elſe puniſhed according to the tennour of the ſaids acts. So that alwyſe the benefite of the act of Parliament, granting to other Papiſts the ſpace of fourtie dayes to ſatisfie the Kirk, or to remove of the Countrie, ſhall be nowyſe extended to them. And becauſe the reſet whilk they have founden in diverſe parts of the Countrie, hes given them the boldnes ſo avowedlie to contemne his Majeſtie and his Lawes. That therefore ſik perſons as ſhall be given up by the Presbyteries, or Seſſion of the Kirk, to be the reſetters and hurders of them, ſhall be charged under ſik pecunial paines, as ſhall be modified by his Majeſtie, and Lords of ſecret Counſell, not to reſet them hereafter with this addition; that his Majeſtie and Eſtaites of Parliament declares that every Earle that ſhall happen to reſet any, ſhall pay a thouſand pounds. Every Lord, a thouſand marks. Every Barron, five hundreth pounds. Every Free-halder, three hundreth marks. Every Yeoman, fourie pounds. And every Burges according to the modification of the Kings Majeſtie and Lords of ſecret Counſell; the paine alwyſe not exceedand the ſumme of an hundreth pounds. Whilks paines the ſaids Eſtaites hes ordained OUR SOVERAIGNE LORDS Theſaurer to exact with all extremitie againſt the contraveiners hereof, and to intromet there-with to his Heighnes uſe.

19. *Ratification of the act anent ſtrong and idle beggers.*

OUR SOVERAIGNE LORD, with advyce of the Eſtaites of this preſent Parliament, ratifies and confirmes the act made by his Heighnes and Eſtaites conveined at *Perth* the firſt day of Appryle laſt by paſt, againſt ſtrong and idle beggers; whereof the tennour followes. The Kings Majeſtie and Lords of ſecret Counſell, remembring how there hes bene diverſe gude and lovable acts of Parliament and ſecret Counſell, made and publiſhed heretofore, for puniſhment of ſtrong and idle beggers, and releef of the poore and impotent. And how the ſaids acts hes received litle or no effect, or execution by the overſight and negligence of the perſons, who were nominat Juſtices and Commiſſioners, for putting of the ſaids acts to full and due execution; And that here was not a ſpecial penaltie, appoynted and enjoyned to them, who ſhould be remiſſe and negligent therein. So that the ſtrong and idle beggers being for the moſt part theeves, bairds and counterfitte limmers, living moſt inſolentlie and ungodly, without mariage or Baptiſme of a great number of their children, are ſuffered to vaig and wander throughout the haill Countrie, and the poore and impotent perſons are neglected, and no care had, nor proviſion made for their enterteinement and ſuſtentation. For remeed whereof, and ſupplie of the ſaids acts, and namely of the act of Parliament made in the yeare of God 1597. Whereby the execution of the acts of Parliament, is committed to the particular Seſſions of the Kirk, It is ſtatute and ordained by the Kings Majeſtie, with advyce of the Lords of his ſecret Counſell, that the ſaids Seſſions of the Kirk, where need is, ſhall be aſſiſted by ane or twa of the Presbyteries; and that they ſhall put the ſaids acts to full and due execution, conforme to the tennour thereof in all poynts, every an of them within their awne bounds, under the paine of twentie pounds to be exacted of them, ſo oft as they ſhall be found to be remiſſe or negligent herein. And that theſe preſents ſhall beginne to take effect, and have execution upon the firſt day of June next to come. And to the effect his Majeſtie may be the better aſſured of the care and diligence of the ſaids Seſſions of the Kirk, in due execution of the ſaids acts of Parliament, his Majeſtie commands the haill Presbyteries of this Realme, to take diligent tryel of the obedience of the Seſſions hereanent, and to report their certificat and teſtimonial there-upon, to his Majeſties Miniſters, betwixt and the firſt day of Auguſt next to come. Where-throw his Majeſtie may thereafter proceed againſt ſik as ſhall be negligent as accords: And that letters of publication be direct here-upon as effeirs; where-throw the ſaid Seſſions of the Kirk, nor no other pretend ignorance. And to command and charge the ſaids Seſſions of the Kirk to put the ſaids acts of Parliament made againſt ſtrong and idle beggers, whereof the execution is committed to them, by the ſaid act of Parliament made in the foreſaid yeare of God 1597. to due and full execution in all poynts, conforme to the tennour thereof, betwixt and the ſaid firſt day of June next to come, under the ſaid paine of twentie pounds to be exacted of them, ſo oft as they ſhall be founden to be remiſſe after the ſaid day. Certifying them that failyes, that the ſaid paine ſhall be uplifted of them with all rigour. And ſik-like to command and charge the ſaids Presbyteries to take tryell of the ſaids Seſſions here-anent, and to report their teſtimonial there-upon betwixt and the firſt day of Auguſt, as ſaid is. As they will anſwere to his Majeſtie upon their obedience at their uttermoſt charge and perrell.

20. *Anent the Mariage of adulterous perſons.*

OUR SOVERAIGNE LORD, with advyce of the Eſtaites of this preſent Parliament, decernes all mariages to be contracted here-after by any perſons devorced for their awne cryme and fact of adulterie,

adulterie, from their lawfull ſpouſes, with the perſons with whom they are declared by ſentence of the ordinar Judge to have committed the ſaid cryme and fact of adulterie, to be in all tyme comming null, and unlawfull in themſelves, and the ſucceſſion to be gotten be ſik unlawfull conjunctions, to be unhabile to ſucceed as heires to their ſaids parents.

21. *Regiſters of the Schireffe Clerks to be marked by the Clerk of Regiſter and his deputes, and their extractes to be marked by themſelves.*

THAT all and whatſomever Schireffes Clerks in all tymes hereafter, ſhall preſent their Regiſters to the Clerke of Regiſter to be marked by him and his deputes. And whatſomever regiſtration to be ſubſcryved hereafter by them, upon whatſomever letters together with whatſomever extracts ſhall be given forth thereof to any perſon, ſhall conteine in all tyme comming, the leaſe wherein the ſamine is regiſtrat, and this ordour to beginne from the firſt day of March next; within the whilk, they and every ane of them ſhall preſent their ſaids regiſters to be ſa marked. And that nane of them ſubſcryve their regiſtration upon any letter, or give forth any extract ſubſcryved with their hand after the foreſaid day, unſpecifying the leaf wherein the ſamine is conteined, within their Booke, marked as ſaid is, under the paine of an hundreth markes, *toties, quoties*. But prejudice alwyſe of the hornings whilks the ſaids Clerks omiſſion, or neglect in this behalfe, ſhall nowyſe make invalide.

22. *Act anent removing and extinguiſhing of deadly fead.*

OUR SOVERAIGNE LORD, and haill Eſtaites of Parliament preſentlie conveined, for removing of the preſent feads that abounds within this Realme. Finds it meet and expedient that the parties be charged to compeir before his Heighnes and ſecret Counſell, at ſik dayes as ſhall be thoght expedient, to ſubmit to twa or three friends on either ſide; or to ſubſcryve ane ſubmiſſion, formed and ſent by his Majeſtie to them to be ſubſcryved. Whilks friends by their acceptation ſhall be bound either to decerne within the ſpace of threttie dayes, after they have accepted, or elſe to agree at their firſt meeting, on ane Overſ-man wha ſhall decerne within that ſpace: whilk if they can not doe, they ſhall within the foreſaid threttie dayes, report the ground and cauſe of their diſagrement to his Majeſtie, and ſik ſpecials of his Counſell as his Heighnes ſhall finde leaſt partial and ſuſpect. (Whaes Majeſtie by the advyce of the Eſtaites here preſent, is declared to be Overſ-man in that matter.) And failying, that the friends arbitratours, either decerne or report not within the foreſaid ſpace after their acceptation, every ane of them by the authoritie of this preſent acte, to incur the paine of ane thouſand pounds, to be imployed to his Majeſties uſe. And becauſe all feads are ane of thir three natures, namely that there is either na ſlaughter upon neither ſide, or ſlaughter upon ane ſide only; or elſe ſlaughter upon both ſides. The parties in the firſt may be commanded to agree, due ſatisfaction being offered, and performed at the ſight of friends, and overſ-man in maner foreſaid. Where there is ſlaughter upon both ſides, his Majeſtie may by rigour and equalitie of Juſtice, compell them to agree, due ſatisfaction to be made on either ſide, according to the qualitie of the offence, and perſons offended. Where the ſlaughter is onely on the ane ſide, the partie grieved can not refuſe in reaſon to ſubmit in maner foreſaid, all quarrell he can beare to any perſon innocent, Juſtice being made patent to him againſt the giltie; ſpeciallie he being ordeined by this preſent act to perſew nane other but the giltie, and that by the Law. And the partie ſo perſewed not to beare quarrell for it, but to defend in lawfull maner. And that all quarrels ſhall ceaſe againſt ſik as ſhall be lawfully perſewed in this forme, either by their conviction, and execution by Law, or otherwyſe by their clenging and agrement; that all perſons being of perfite age, and within the Countrie, and having entres to perſew any partie for crymes capitall, ſhall within fourtie dayes after the publication of this preſent act at the head burgh of the Shyre where the perſewer dwelles; raiſe, and cauſe execute their letters in the ſaid matter. And inſiſt in the perſute thereof, with certification to ſik as failyes, that their action ſhall periſh, expyre and be extinct; and the ſaid perſewer ſhall be compelled to ſubmit his action, in maner above ſpecified. Reſerving alwyſe to his Majeſtie his action, as accords of the Law. Provyding, that if the ſaid perſewer ſatisfie the ordinance of this preſent act, and be delayed either by ane continuation of the dyet by warrand of the Prince, or by the dilatour defenſes proponed by the pannell, for eliding of the finall tryell of the perſute. In that caſe the preſcription nowyſe to runne againſt the perſewer, having done his poſſible diligence in maner foreſaid. And becauſe the giltines of crymes conſiſtes not onely in the perſon of the actuall committers thereof, but alſo in the authors, cauſers and movers of the ſamin to be committed, wha are airt, part and giltie of the ſaid fact, whereof na publict knawledge nor certaine tryell is had, His Majeſtie and Eſtaites nowyſe willing that neither the authors nor actour of ſik hynous crymes eſchape the due puniſhment, through obſcuritie and laik of publict knawledge thereof. Declares that the parties offended, doing their diligence, as ſaid is, againſt the actual and knawne committers of the ſaids crymes, and ſatisfying this act anent their reconciliation with all others perſons, ſhall nowyſe be prejudged of their action, competent againſt ſik perſons of whaes guiltines they ſhall hereafter get knawledge; provyding, that they ſhall beare no fead againſt the ſaids ſuſpect perſons, whill firſt after ſufficient information obteined, they raiſe their letters for ſummonding the ſaids parties to underly the law, and either make them fugitive, or otherwyſe obteine the perſute decided. And farther, that the

preſcription of this preſent act ſhall nowyſe militat againſt any partie, whaes actions are alreadie ſubmitted to ane langer day nor is preſcryved in this act. Provyding, that the partie doe his diligence in maner above written, within fourtie dayes after the expyring of the ſaid ſubmiſſion. And to the intent that Juſtice be na occaſion to breed farther trouble, every partie ſhall come to the town accompanied allanerlie with twentie foure perſons, where both they and their companie ſhall keepe their ludging to the houre of cauſe. At the whilk, firſt the ane and then the other ſhall be broght out by the town in Armes accompanied from their ludging to the Bar with the number preſcryved to their rank by act of Parliament. The contraveiner whereof, if he be perſewer, ſhall tyne his perſute in tyme comming: and if he be defender, he ſhall be denounced rebell as preſumed guiltie, and refuſing laufull tryell. And for ſtaying of all deadly feads in tyme comming where there is no cauſe nor quarrell given as yet, it ſhall not be lawfull to the perſewer to invade, perſew, beare fead or quarrel againſt any friend of the offender, innocent and not accuſed and convict of the cryme, under the paine of tynſell of his action and perſute againſt the guiltie, & to be compelled to ſubmit with the offenders ſelfe. Reſerving alwyſe to his Majeſtie his action againſt him for the cryme. Lyke as the friends of the guiltie perſon being convict and fugitive from the Law, ſhall not beare quarrel for his perſute be Law, neither maintein, ſupplie nor reſet him, under the paines conteined in the act againſt reſetters of fugitives and rebels. And in caſe any of the friends of the guiltie perſons reſet him in contempt of this preſent act, and others his Heighnes Lawes, the partie grieved aſſiſted with his Heighnes Advocat, ſhall onely perſew the reſetter by ordour of Law without convocation or fead, grudge or quarrell to be borne againſt him therefore otherwyſe; under the paine of tynſell of his ſaid lawfull action in all tyme comming. And to this ordour before ſpecified, the haill Nobilitie and Eſtaites here preſent, have given their approbation and conſent, and ſworne to conforme them thereto in all feads whilks ſhall fall out in tyme comming. And this preſent act nowyſe to nullitat in ſik caſe where the partie offender is denunced rebell, or ſhall happen hereafter to be fugitive and put to the horne, for ſlaughter or other odious capital crymes, during the tyme of their rebellion. And to the intent theſe preſent articles may have the better effect, and be the mair willingly embraced by his Majeſties haill ſubjects, his Heighnes of his proper motive and gracious inclination to Juſtice, quyetnes and well of his people, ſolemnedly declared and faithfully promitted in preſence of the ſaids Eſtaites, that for ſlaughter and other odious crymes to be hereafter committed, his Heighnes ſhall graunt no reſpit, remiſſion, pardon nor overſight at any tymes hereafter, Albeit the parties tranſact and agree amongſt themſelves, till the inveterat and damnable cuſtomes of the ſaids heynous crymes be rooted out and altogether ſuppreſſed. Whilks articles above written, in the haill heads and poynts of the ſamine, OUR SOVERAIGNE LORD and Eſtaites foreſaids, preſently conveined, ratifies, approves and confirmes, and ordeines the ſamine to have the ſtrength, force and effect of ane law in all tyme comming. And that letters of publication and executorials paſſe hereupon, for the better obſervation hereof in this preſent Parliament.

23. *Act againſt ſlaughter of Wyld-fowles.*

FORSAMEIKLE as by common conſuetude of all Countries, ſpecial prohibition is made to all ſorts of perſons to ſlay wyld-foull, Hair or Venniſon, except ſik as by their revenewes may beare the charges and burdings of the Halkes, Hounds and Dogs, requiſit in ſik paſtymes. In reſpect the ſamine as well hes bene created for the recreation of mankinde, as for their ſuſtentation. Lyke as it is of treuth that by diverſe and ſundry acts of Parliament others ſtatutes and proclamations made heretofore, all ſlaying of the ſaid wyld-foull and beaſtes by any indirect meanes, ſik as hagbut, girn, net and fowller dogg is ſpeciallie forbidden, and diverſe penalties conteined in the ſamine act. Yet nevertheles, ſik hes bene the ſlacknes of the execution of the ſamine, that diverſe and ſundrie perſons having greater regarde of their gaine and commoditie, whilk they purches by the ſelling of the ſaid wyld-foull, to ſik perſons wha prefers their awne inordinar appetite and gluttonie, either to the obedience of the ſaids Lawes, or to the recreation that may be had by the direct ſlaying of the ſamine. Hes uſed all the ſaids indirect meanes in ſlaying of the ſaids wyld-fowles and beaſtes, whereby this Countrie being ſo plentifullie furniſhed of before, is become altogether ſcarce of ſik waires. For remeed whereof, and that the continuing of the ſaid abuſe may not procure worſe inconvenients, ſeing in tyme of peace in all tyme bygane, the ſaids paſtymes of hunting and halking were the onely means and inſtruments to keepe the haill Leiges bodies fra not becomming altogether effeminat. OUR SOVERAIGNE LORD and Eſtaites of Parliament, finding that the diſchairging of the ſelling of the ſaids wyld-fowll and Venniſon ſhall procure ane remeed of the abuſe foreſaid. Have therefore diſcharged, lyke as by theſe preſents they diſcharge any perſons whatſomever, within this Realme in any wyſe to ſell or buy any faſtan reid or fallowe Deare, Daes, Raes, Hares, Partridges, Moore-fowles, Black-cokes, Aith-hennes, Termigants, wyld-Dukes, Teilles, Atteilles, Goldings, Mortyms, Schidderems, Skaildraik, Herron, Butter, or any ſik kynde of fowlles, commonly uſed to be chaſed with Halkes, under the paine of ane hundreth pounds to be incurred alſwell by the buyer as the ſeller. And in caſe of the inhabilitie of any of the ſaids perſons to pay the ſaid ſumme, that the apprehender of them ſhall cauſe them be ſcourged thorow the Burgh or Town where they ſhall be apprehended. And als diſcharges any of the ſaids Leiges, in any wyſe to ſlay any of the wyld-fowll or beaſtes above ſpecified, by girn, net or hagbut, under the paine above ſpecified to be incurred by them. For execution whereof, OUR SOVERAIGNE LORD hes given and graunted power and commiſſion to all Schireffes, Stewarts, Baillies, alſwell of Regalities as Royalties,

Royalties, Proveſts and Baillies of Burrowes, and every Barron within his awne Barronnie, ſpecial Juſtices to that effect; giving them full, free and plene power to up-liſt or execute the paines above ſpecified againſt the tranſgreſſors of theſe preſents; the ane halfe of the ſaids pecunial paines to be intrometted with by them, to apperteine to OUR SOVERAINE LORD, and to be payed to his Heighnes Theſaurer; and the other halfe to the delator and apprehender. And becauſe ane of the greateſt occaſions of the ſcarſtie of the ſaids Partridges and Moore-fowles, is by reaſon of the great ſlaughter of their Pouts and yong anes: when as for youth neither are they habile to give paſtyme, and for quantitie can no wyſe be ane great refreſhment.

Therefore OUR SOVERAINE LORD hes diſcharged all his Heighnes ſubjects whatſomever, in any wyſe to ſlay or eat any of the ſaids Moore-pouts, or of any other kyndes before the thrid day of Julie; or Partridg-pout, before the aught day of September. Alwyſe OUR SOVERAINE LORD and Eſtaites foreſaids, declares that this preſent act, ſhall nowyſe comprehend Cunnings, Wod-cock, Plevars nor wyld-Gooſe, but the ſamine to be ſlane with nets, and others ingynes not forbidden by the Lawes of this Realme, and to be coſt and ſauld as lawfull Merchandice as of before.

24. *Anent the cuſtuming of goods.*

FORSAMEIKLE as it is underſtand to the Kings Majeſtie and Eſtaites of this preſent Parliament, that be diverſe Acts of Parliament, Lawes and conſtitutions heretofore obſerved, all maner of Engliſh goods broght within this Realme, are and have bene ever ſubject, and in uſe of payment to his Heighnes of ane certaine cuſtome, and duetie properly perteining to his Majeſtie, as ane part of the Patrimonie of his Crown. Lyke as alſo other ſorts of claith, ſilkes, ſtuffes, and merchandice broght within this Realme from forraine Nations, are by act of his Majeſties Nobilitie, Councell and Eſtaites, of the date the threttein day of Maij, the yeare of God 1597. Ratified and approved in Parliament halden at *Edinburgh* in the Moneth of December, the ſamine yeare, ſubject to the payment of ane certaine cuſtome to his Heighnes. And the Merchants inbringers of the ſaids goods, aught not to loſſe, breake bowk, or diſpone there-upon, whill the ſamine bee firſt entered, then marked, and dewlie cuſtomed by the Cuſtumer appoynted thereto. Notwithſtanding the cuſtome of the ſaids goods are very far over-ſene, to the great hurt and diſcommoditie of his Majeſtie, in reſpect there is na ſeall appoynted to be hanging, to the ſaids goods, according to the uſe and conſwetude obſerved in other Nations, whereby the goods cuſtomed, could nowyſe be knawne by the uncuſtomed goods. And ſa by their confuſion the Merchants, awners and inbringers of the ſaids goods, immediatly after the arryving and comming of the ſaids goods within this Realme, loſſes, breaks bouk, ſelles and conceales the ſamine; and never offers nor preſents na part thereof to be cuſtomed, conforme to the ordour, to the great prejudice of his Heighnes: whilk being now conſiddered by his Heighnes, his ſaid Nobilitie, Councell and Eſtaites, and they finding that by the want of the ſaid ſeall, his Majeſtie is, and hes bene greatly defrauded of his cuſtomes. Ordeines therefore the haill Cuſtumers within this Realme, to cauſe make ane print, ſeall, and ſtamp of ſeall conteining twa halfes for every Burgh and ſea-port within this Realme, where there are eſtabliſhed cuſtumers; the ane halfe thereof conteining JACOBUS REX, with his Heighnes Armes and Crown; and the other halfe the name of the Burgh where the ſamine ſhall remaine. Whilk ſeall & ſtamp ſhall be applyed to lead, & being ſo ſtricken and printed with the ſaid ſtamp, ſhall be hanging to every wob, peece and ſteik of claith, ſilk and ſtuff of whatſomever Nation that here-after ſhall be broght within this Realme by ſea or land, before the ſamine be preſented to open markets, ſauld or any wyſe diſponed upon. And the ane halfe of the ſaid ſeall to be keeped by the Cuſtumer, and the other halfe by the Clerk of the Cocquet. The awners of the ſaid claith, ſilkes and ſtuffes payand the cuſtume thereof. And to the effect the claith, ſilkes and ſtuffes preſentlie being within this Realme, may be knawne and decerned from that whilk hereafter ſhall be broght within the ſamine. It is alſo decerned and ordeined, that the Cuſtumer of every Burgh and ſea-port, ſhall repaire to the dwelling houſes and buiths within every ane of the ſaids Burghs and Ports where they are particularlie appoynted Cuſtumers, and there receave the eathes of the awners, of ſik peeces, ſteiks and wobs of claith, ſilkes and ſtuffes as are therein; whither the ſamine hes payed the cuſtume thereof or not. And ſik as hes not payed cuſtume, that the ſamine be then inſtantlie payed, and the ſaid ſeall in token thereof hanging thereto, and to all others peeces, ſteikes and wobes whilks ſhall be apprehended within the ſaids buithes and houſes, whereof the cuſtume hes bene payed of before, upon the expenſes alwyſe of the ſaid Cuſtumer. And that the awners of the ſaid claith and ſtuffs, requyre the Cuſtumers within every Burgh and Port particularlie to repaire to the ſaids buiths and houſes, to this effect, within fourtene dayes after the publication hereof: And farther, to doe and performe all other things whilks to every ane of them is appoynted to be done in maner foreſaid, under the paine of confiſcation of all the peeces, wobs and ſteiks of claith and ſtuff, that ſhall be apprehended thereafter wanting the ſaid ſeall. And that na maner of perſons, inbringers of the ſaids claith, ſilk and ſtuff within this Realme in tyme comming, preſume nor take upon hand, to ſell nor diſpone upon the ſamine, nor na part thereof, unto the tyme the ſamine be preſented to the Cuſtumers within the cuſtume-houſes, the cuſtume thereof payed, and the ſaid ſeall in token thereof, hanging to every particular peece of the ſamine, as ſaid is, under the paine of eſcheating of the ſamine. Certifying them if they failye that all and whatſomever wobs, ſteiks and peeces whilks ſhall be apprehended wanting the ſaid ſeall, ſhall be confiſcat and intrometted with to his Majeſties uſe as eſcheat, with all rigour and extremitie

in example of others. And that letters of publication be direct here-upon, where-throw nane pretend ignorance of the ſamine.

25. *All charges of Horning againſt perſons dwelland be north the water of* Die *to be direct upon fiftene dayes at the leaſt.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, conſiddering how that his Majeſties ſubjects, inhabiting the North-part of this Realme, are oftymes drawen in great inconvenients by ſindrie charges, direct againſt them, ſome-tyme for finding of Law-borrowes, or compeiring before his Majeſtie, and his Councell upon ſimple charges of ſex dayes; ſa that be the ſhortnes of tyme, and impoſſibilitie to them to ſatisfie the ſaids charges within ſex dayes, in reſpect of the far diſtance of the place of their reſidence from the Burgh of *Edinburgh*, they are oftymes put under the danger of horning; whereas if they had convenient tymes graunted to them, there wald not be ſik diſobedience of ſik great numbers of his Majeſties ſubjectes. For remeed whereof, it is ſtatute and ordained, that na letters of horning ſhall be direct againſt any perſons dwelling be North the water of *Die* upon ane ſhorter ſpace nor fiftene dayes at any tyme hereafter. And the horning to be uſed againſt any of the ſaids perſons upon ane ſhorter ſpace nor fiftene dayes, ſhall be null and of nane availl.

26. *Act againſt perſons wha perſewes others within ane myle of the Kings Majeſties reſidence.*

THE Kings Majeſtie and Eſtaites of Parliament, conſiddering the manyfald indignities from tyme to tyme done to his Majeſtie, by ane number of undewtifull and unreverent ſubjects, wha to the contempt and diſhonour of his Majeſtie, make frequent tulyies, and ſeekes the commoditie to revenge their particular quarrels within the Burgh of *Edinburgh* and *Cannogate*, and others places neere to the place of his Heighnes reſidence; not ſpairing ſometime at his Majeſties awne back, to uſe their privat revenge, to the hazard and perelling of his Heighnes moſt Noble Perſon. Lyke as diverſe perſons, under pretence of their awne defence, repaires and reſorts within his Majeſties Palaces, armed with Jacks, Secreets or Corſlets, under their doublets or coats. Where-throw it is to be feared, that certaine evill diſpoſed perſons, under cullour of their awne defence, may attempt ſome enterpryſe againſt his Majeſtie or his domeſtiks.

For remeed whereof, and eſchewing of the inconvenients that here-upon may enſew; It is ſtatute and ordained, that whatſomever perſon of what eſtate, qualitie or degree he be of, ſhall preſume to take upon hand at any tyme hereafter, to invade or perſew any of his Majeſties ſubjects, within any part of this Realme, within ane myle to the place of his Heighnes reſidence and remaning for the tyme; or wha ſhall reſort and repaire within his Majeſties Palaces, or any part of his reſidence, armed with Jacks, Secreets, or Corſlets under their coats, doublets or otherwyſe; that the ſaids perſons, makers of the ſaids tulyies and combats, after due tryell that they were the firſt onſetters. As alſo, the ſaids perſons, repairing armed within his Majeſties houſes, as ſaid is, ſhall be taken apprehended and warded for yeare and day, and farther, ay and whill they fyn with his Majeſtie for their liberty, according to his Heighnes good pleaſure.

27. *Anent the Court place of the Schirefdome of the Meirnes.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, underſtanding the great prejudice ſuſteined by the Leiges of this Realme, where the judgment-ſaits of Schireffes, and others Judges are not ſa commodious, neither in building nor in ſituation, as the Schireff, others Judges and their deputes may convenientlie ſit; nor the parties may reſort thereto. And ſpeciallie that the Schireff of the *Meirnes*, alias, *Kincardin* and his deputes, hes bene in uſe theſe many yeares to ſit at *Kincardin*, where there is neither ane Tolbuith, nor any houſe to parties to ludge into, for their interteinement; nor yet is the place in the middes of the Schire, whereby the Leiges within the ſaid Schireffdome are greatlie damnified. For remeed whereof, it is ſtatute and ordained, that the Schireff of the Schireffdome of *Kincardin* and his deputes, in all tyme comming, ſhall ſit and hald their Courts at the *Stane-hyue*, as maiſt meet and convenient to them, & to the haill Leiges within the Shyre: & that precepts to be direct, ſhall be to warne all parties within their juriſdiction, to compeir, to perſew & defend in their Courts at the *Stane-hyue* in all tyme hereafter.

28. *Anent the keiping of pledges.*

FORSAMEIKLE as in tyme bygane, the onely meane for quyeting of the Borders was entering of pledges, and the keeping of them in ſurety that in caſe any enormitie or wrang were committed by any of the gang or ſurname, for the whilk they were entered pledges; then Juſtice ſhould be execute againſt the ſaids pledges with all rigour. And becauſe heretofore, ane great number of the Nobilitie and Barronnes, being burdened for keeping in ſuretie ſome of the ſaids pledges, hath made their excuſe of the danger and inconvenient that might occurr to them, in caſe of the eſcape of any of the ſaids pledges, delyvered to them in keeping; whilk being eaſie to be prevented be the mair impriſonment of them. OUR SOVERAIGNE LORD, and Eſtaites of Parliament, findes that nane of the Nobilitie and Barons, being burdened to receave any of the ſaids

ſaids pledges ſhall refuſe to accept them, upon excuſe of any inconvenient whatſomever that may enſew; but ſhall receave them, and keepe and detene them, ay and whill the ſaids pledges be ſuitted to be delyvered by them; and ſhall be anſwerable for them, that they ſhall no wyſe eſcape, ilk pledge, under the paine of twa thouſand pounds.

FINIS.

ANE TABLE

Of the

PARTICVLAR ACTES and others, paſt in the xvj. Parliament, halden at Edinburgh, *the fiftenth day of November,* 1600. *yeares not imprinted.*

1 THe foreſaultour of umwhyle John *Earle of Gowrie and umwhyle* Alexander Ruthven *his Brother.*
2 *Act anent the diſhereſing and inhabilitie of the brether and poſteritie of the umwhyle Earle of Gowrie.*
3 *Act aboliſhing the ſurname of* Ruthven.
4 *Proteſtation for the Queenes Majeſtie.*
5 *Proteſtation for the Earle of* Rothes.
6 *Act in favours of Sir* Thomas Erskin.
7 *Ane other act in his favours.*
8 *Act in favours of Sir* Hew Heries.
9 *Act in favours of Sir* John Ramſay, *anent the Lands of* Eaſt-barns.
10 *Act in favours of Sir* Hew Heries, *anent the Lands of* Cowſland.
11 *Act in favours of* James Lundie.
12 *Anent the poſteritie of* Frances *ſometyme* Earle *Bothwell.*
13 *Proteſtation of the Burrowes anent the Bullion.*
14 *Ane other proteſtation made be them.*
15 *Act anent proviſion for Armour.*
16 *Act anent making of Redres.*
17 *Act in favours of Sir* Patrik Murray *anent the Abbacie of* Fern.
18 *Act in favours of* Johne *Marqueis of* Hammilton *anent* Arbroth.
19 *Ratification of the Countes of* Mar *her infeftment.*
20 *Diſcharge given to her anent the education of the Prince.*
21 *Act in favours of the Conſtable of* Dondie, *anent bearing of the Kings Baner.*
22 *Act in favours of the Lord* Hoome, *anent the thriddes of* Coldinghame.
23 *Ratification to Maiſter* Peter Young.
24 *Act in favours of the Laird of* Bogie *and Maiſter* John Moncreif.
25 *Act in favours of the Duke of* Lennox.
26 *Ratification of the erection of the Burgh of* Greinlaw.
27 *Act in favour of* Patrik Leſlie *anent the Abbacie of* Lundores.
28 *The deciſion of the Monkes portions of* Arbroth, *betwix the Marqueis of* Hammilton *and the Laird of* Auldbar, *remitted to the next Parliament.*
29 *Ratification of the infeftment of the* Lewes.
30 *Act in favours of the Fewers of the Kings lands within* Fyſe.
31 *Ratification of the Biſhop of* Glaſgows *reſtitution.*
32 *Proteſtations of the Earles of* Erroll *and* Marſhell.
33 *Act in favours of the Duke of* Lennox *anent the aſſignation of the thriddes of the Pryorie of* Saint-Androes.
34 *Act anent Regiſtration of Seaſings in the Secretars Regiſter.*
35 *Commiſſion for ranking of the Noble-men in their places.*
36 *Commiſſion anent the wooll.*

FINIS.

THE SEVENTENTH PARLIAMENT

Of the

Moſt Excellent and Michtie King and Monarch, JAMES By the grace of GOD, King of GREAT BRITAINE, FRANCE and IRELAND, Defender of the Faith: &c. Halden at Perth *the elleventh day of Julie, the Yeare of God* 1604. *Yeares. By the Potent Earle and Lord, IOHNE Earle of* Montroſe, *Lord GRAHAM and MVGDOCK, his Majeſties Commiſſioner: and the Eſtaites of this Realme.*

1. *Commiſſion anent the Vnion of the two Kingdomes.*

FORSAMEIKLE As it hath pleaſed his moſt Excellent Majeſtie, acknawledging the un-ſpeakable favour, where-with the divine Providence of the moſt Heigh hath bleſſed him by the oft-wiſhed, but hardlie expected conjunction of twa ſa auncient and lang diſcordant Kingdomes, maiſt earneſtlie to deſire ane eſtabliſhed continuance of the ſamin; that as by lawfull ſucceſſion they are ane in the head, ſo in the body and every member thereof, they may be ſa inſeparablie conjoyned, as all-after-comming ages ſhould finde the ſweetneſſe of the peace, wealth and felicitie, whilk by the perfite accompliſhment thereof, may continue to the warlds end. And his moſt Excellent Majeſtie, although abſent in perſon (from his moſt auneient and native Kingdom) yet preſent by his princelie power, Fatherlie care, and prudent commandements, daily directed to his moſt humble and obedient ſubjects of the Kingdome, having laid before them the great bleſſing that ane conſtant and friendlie conjunction with their neighbour Countrie of *England*, now united by alledgeance and loyall ſubjection in his Majeſties moſt Royall Perſon, wald bring to them and their Poſteritie, and there-with out of his maiſt loving and accuſtomed princely regarde, to their ineſtimable joy and comfort, voucha fing to aſſure them of his ſincere diſpoſition and cleare meaning, no way by the foreſaid union, to prejudge or hurt the fundamentall Lawes, auncient priviledges, offices and liberties of this Kingdome. Whereby not onely the princely authoritie of his moſt Royall diſcent, hath bene theſe many ages mainteined, but alſo his peoples ſecuritie of their lands and livings, rights, liberties, offices and dignities preſerved; whilks if they ſhould be innovated, ſik confuſion ſhould enſew, as it could no more be a free Monarchie; and his Majeſties gracious intention in eſtabliſhing the foreſaid union, is onely to alter and reforme ſik indifferent and temporall ſtatutes, particular Cuſtomes, or ſpeciall ordinaunces; whereby the bygane remembrance may be extinguiſhed, and the future grouth prevented of many particular debates and unhappie accidents, whilk might here-after diſturbe that conſtant love and perfite amitie, betwix both Nations, ſo tenderlie wiſhed by his maiſt Excellent Majeſtie; and ſik ſteadfaſt and afald grounds of uniforme ſocietie, ſurrogat in their place; That as the preſent age is Raviſhed in admiration with ane ſo fortunat beginning, ſa that the poſteritie may rejoyce in the fruition of ſik ane effectuall union of twa ſa famous and auncient Kingdomes, miraculuſly accompliſhed in the Blude and Perſon of ſa Rare ane Monarch.

Therefore, and for the mair perfite accompliſhing of the wark foreſaid, the Eſtaites Spirituall and temporall of this preſent Parliament, aſſembled be vertue of his Majeſties Commiſſion, under the great ſeale of *Scotland*, Declares, ſtatutes and ordeines, that the perſons following they are to ſay, JOHNE Earle of *Montroſe*, Lord Chancellar of *Scotland*. FRANCES Earle of *Erroll*, heigh Conſtable of *Scotland*. GEORGE Earle *Mairſhell*, great Mairſhell of *Scotland*. JAMES Earle of *Glencarne*. ALEXANDER Earle of *Linlithgow*. JOHNE Archbiſhop of *Glaſgow*. DAVID Biſhop of *Roſſe*. GEORGE Biſhop of *Caithnes*. WALTER Pryor of *Blantyre*. PATRIK Lord *Glames*. ALEXANDER Lord *Elphinſtoun*. ALEXANDER Lord *Fyvie*, Preſident of the Councell of *Scotland*. ROBERT Lord *Roxburgh*. JAMES Lord *Abercorne*. JAMES Lord *Balmirrinoch* principall Secretar of *Scotland*. DAVID Lord *Scoone*. Sir JAMES SCRYMGEOVR of *Dudop* Knight. Sir JOHNE COCKBURNE of *Ormeſton* Knight. Sir JOHNE HOME of *Coldonknows* Knight. Sir DAVID CARNAGIE of *Kinard* Knight. Sir ROBERT MELVEILL elder of *Murdocarnie* Knight. Sir THOMAS HAMMILTON of *Binnie* Knight. Sir JOHNE LEIRMONTH of *Balcomie* Knight. Sir ALEXANDER STRATON of *Lawreſton* Knight. Sir JOHNE SKENE of *Currihill* Knight. Maiſter JOHNE SHARPE of *Howſton* Lawer. Maiſter THOMAS CRAIG Lawer. HENRY NEISBIT. GEORGE BRUCE. ALEXANDER RUTHERFURD. Maiſter ALEXANDER WEDDERBURN,

BURN, Merchants. Or any twentie of them, ſhall by vertue of this preſent Act, have full Power, Commiſſion, Libertie and Authoritie, to aſſemble and convene themſelves, after the ending of this preſent Seſſion of this Parliament; and before the next Seſſion thereof, at ſik tyme; and in ſik place as it ſhall pleaſe his Majeſtie to appoint with certaine ſelected Commiſſioners, nominat and authorized by the Parliament of *England*, according to the tennour of their Commiſſion in that behalfe, to confer, treat, and conſult upon ane perfite Union of the Realmes of *Scotland* and *England*, and concerning ſik other matters, cauſes and things whatſomever, tending to his Majeſties honour and contentment, and to the weall and tranquillitie of baith the Kingdomes, during his Majeſties lyfe (whilk the ever-living God lang continew) and during his Royall Poſteritie in bleſſed tranquillitie to the warlds end. As upon mature deliberation, the greateſt part of the ſaids Commiſſioners, aſſembled, as is foreſaid, with the Commiſſioners authorized by the Parliament of *England*, ſhall in their wiſdomes think maiſt expedient and neceſſar; not derogating any wyſe to any fundamentall Lawes; auncient Priviledges, Offices, Rights, Dignities and Liberties of this Kingdome, as is before ſaid: And that the Commiſſioners of baith the ſaids Realmes, according to the tennour of their Commiſſion in that behalfe, ſet downe their proceedings in three ſeverall wryttings, every ane of them to be ſubſcryved and ſealed by them; to the end that ane of them may be in all humilitie preſented to his Majeſtie; the ſecond to be preſented to the conſideration of the next Seſſion of Parliament, for the Realme of *Scotland*; and the thrid to be offered to the conſideration of the next Seſſion of Parliament, for the Realme of *England*. That thereafter ſik order may be taken therein, as baith the ſaids Parliaments ſhall think expedient for his Majeſties ſatisfaction, and benefite of baith the ſaids Kingdomes.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES and others, paſt in the xvij. Parliament; halden at Perth, *the elleventh day of* Julie, 1604. *yeares, not imprinted.*

1 ACT *In favour of the liberties of the Kirk.*
2 *Forefaultour of* William Borthwick *of* Sowtray.
3 *Forefaultour of* Thomas Kennedie *Tutour of* Bargany.
4 *The Summonds of Treaſon againſt* Walter Moore *of* Cloncaird *paſt fra by the Advocat.*
5 *Commiſſion to the Lords of Seſſion to decyde the action of Reduction of the forefaultour of* James Wood *appearand of* Bonytoun.
6 *Act anent the reſtitution of* James Dowglas *of* Spot.
7 *Proteſtation made be the Lord of* Roxburgh.
8 *Act anent the reſtitution of Maiſter* Thomas Cranſton.
9 *Proteſtation made be the* Earle *of* Angus *anent his place of Prioritie, and of the Duke of* Lennox *and Marqueis of* Huntlie *in the contrare.*
10 *Proteſtation made be the Lord of* Roxburgh.

FINIS.

THE

THE AUCHTENTH PARLIAMENT

Of the

Moſt Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France *and* Ireland, *defender of the Faith, &c. Halden at* Perth *the ninth day of Julie* 1606. *yeares, by the Potent Earle and Lord JOHNE Earle of* Montroſe, *Lord* Grahame *and* Mugdock, *his Majeſties Commiſſioner, with adviſe of the Eſtaites of this Realme.*

1. *Act anent the Kings Majeſties Royall Perogative.*

FORSAMEIKE As the Eſtaites and haill bodie of this preſent Parliament, conſidering that with the lawfull deſcent in the Perſon of Our moſt gratious Soveraigne, of the righteous inheritance of the famous and renouned Kingdomes of *England*, *France* and *Ireland*, whilk very farre ſurpaſſes the wealthe, power and force of the Dominions of any of his Progenitours, Kings of *Scotland*. GOD hath alſo joyned ane wonderfull increſſe of care and burding. For diſcharge whereof he hath endued his Majeſtie with ſa many extraordinar graces, and maiſt rare and excellent vertues, as he is not onely knawne by daily and manifeſt experiences, in matters of greateſt difficultie and conſequence, to the unſpeakable comfort of all his faithfull ſubjects, to be capable of the happie governement of his ſaids Kingdomes. But by his moſt ſingular Judgement, fore-ſight and princely wiſdome, worthie to poſſeſſe, and habile to governe farre greater Dominions and numbers of people. And in reſpect thereof, the ſaids Eſtaites plainly perceaving that by this his Majeſties exaltation, not onely in preeminence and power, but alſo in all Royall qualities requiſit for the happy diſcharge thereof, GOD hes manifeſtlie expreſſed his heavenlie will to be, that his Majeſties Imperiall power, whilk GOD hes ſa gratiouſlie enlarged, ſhall not by them in any ſort be impared, prejudged or diminiſhed; but rather reverenced and augmented ſa farre as poſſiblie they can. Therefore the ſaids Eſtaites, and haill bodie of this preſent Parliament, all in ane voluntar, humble, faithfull and united heart, minde and conſent, truelie acknawledges his Majeſties Soveraigne Authoritie, Princelie Power, Royall Prerogative, and Priviledge of his Crown over all Eſtaites, perſons and cauſes whatſomever within his ſaid Kingdome. And his Majeſtie with expreſſe advyce, conſent and aſſent of the ſaids haill Eſtaites, Ratifies, approves, and perpetuallie confirmes the ſamin; als abſolutlie, amplie and freelie in all reſpects and conſiderations, as ever his Majeſtie or any of his Royall Progenitours Kings of *Scotland*, in any tyme bygane poſſeſſed, uſed and exerciſed the ſamin. And lykewyſe, with conſent foreſaid, caſſes, annuls, abrogats, retreats and reſcinds all and whatſomever things attempted, enacted, done or hereafter to be done or intended to the violation, hurt, derogation, imparing or prejudice of his Heighnes Soveraigne Authoritie, Royall Prerogative and Priviledge of his Crown, or any point or part thereof, in any tyme bygane or to come. And the ſaids haill Eſtaites for them and their Succeſſours, faithfullie promits, perpetuallie to acknawledge, obey, maintein, defend and advance the lyfe, honour, ſaiftie, dignitie, Soveraigne Authoritie, and Prerogative Royall, of his ſacred Majeſtie, his Heires and Succeſſours, and Priviledge of his Heighnes Crown, with their lyves, lands and goods to the uttermoſt of their power, conſtantlie and faithfullie to withſtand all and whatſomever, perſons, powers or eſtaites, wha ſhall preſume, preaſe or intend any wyſe to impugne, prejudge, hurt or impare the ſamin; and never to come in the contrare thereof, directlie nor indirectlie in any tyme comming.

2. *Act anent the Reſtitution of the eſtate of Biſhops.*

OUR SOVERAIGNE LORD now in his abſence forth of his Kingdome of *Scotland* earneſtlie deſiring ſa to provyde for the juſt and politique governement of that Eſtate, as his faithfull ſubjects thereof may perfitelie knaw, that abſence breeds not in his Royall mynde oblivion of their good, but that he is daylie mair and mair cairfull of ſik things as may tend maiſt to the honour, profite and perpetuall ſtabilitie and quyetnes of the ſaid Kingdome; wherein underſtanding Religion and Juſtice to be ſa neceſſar foundaments and pillers, as by them the authoritie of the Princes and quyetneſſe of the people in all tymes by-paſt, hes chiefflie bene eſtabliſhed and mainteined, whill of late in his Majeſties yong yeares, and unſetled Eſtaite, the auncient and foundamentall Policie, conſiſting in the maintenance of the three Eſtaites of Parliament, hes bene greatlie impaired, and almaiſt ſubverted, ſpeciallie by the indirect aboliſhing of the Eſtaite of Biſhops, by the act of annexation of the Temporalitie of benefices to the Crown, made in his Heighnes Parliament,

ment, halden at *Edinburgh* in the Moneth of Julie, the yeare of God ane thouſand, five hundreth, foureſcore ſeven years. Whereby albeit it was never meaned by his Majeſtie, nor by his Eſtaites, that the ſaid Eſtaite of Biſhops conſiſting of Benefices of cure, and being ane neceſſare Eſtaite of the Parliament, ſhould on any wyſe be ſuppreſſed; yet his Majeſtie by experience of the ſubſequent tyme, hath clearlie ſeene that the diſmembring and abſtracting from them of their livings, hes broght them in ſik contempt and povertie, that they are not habile to furniſh neceſſares to their privat families, meikle leſſe to beare the charges of their wonted rank in Parliament and generall Counſails, and atter the example of their Predeceſſours, to aſſiſt and ſupplie their Prince with their Counſell and goods, in tyme of peace and warre. The remeid whereof properlie perteins to his Majeſtie, whom the haill Eſtaites of their bounden duetie, with maiſt heartlie and faithfull affection humblie and truelie acknawledges to be Soveraigne Monarch, abſolute Prince, Judge and Governour over all perſons, Eſtaites and cauſes baith Spirituall and Temporall within his ſaid Realme.

THEREFORE his Majeſtie, with expreſſe advyce and conſent of the ſaids haill Eſtaites of Parliament, being cairfull to repone, reſtore and re-integrat the ſaid Eſtaite of Biſhops, to their auncient and accuſtumed honour, dignities, prerogatives, priviledges, livings, lands, teynds, rents, thriddes and eſtaite, as the ſamine was in the Reformed Kirk, maiſt ample and fre at any tyme before the act of annexation foreſaid. By the tennor hereof, retreats, reſcinds, reduces, caſſes, abrogats and annulles the foreſaid act of annexation of the temporalitie of benefices to the Crown, made in the yeare of God ane thouſand five hundreth fourſcore ſeaven yeares, as ſaid is, in ſa far as the ſamine may in any wyſe comprehend or be extended to the authority, dignity prerogative, priviledges, towrs, caſtels, fortalices, lands, Kirks, teynds, thriddes or rents of the ſaids Biſhopricks, or any part thereof, with all others acts of Parliament, made in prejudice of the ſaids Biſhops, in the premiſſes or any of them, with all that hes followed or may follow there-upon, and all acts of diſmembring of particular Kirks, or commoun Kirks of the ſaids Biſhopricks, from the ſamine, or for ſeparating the thriddes of the ſaids Biſhopricks from the bodie, tytle and twa part of the ſamine. To the effect, the perſons preſentlie provyded to the Biſhopricks of *Scotland*, or any of them, or that hereafter ſhall be provyded to the ſamine, may freely, quyetlie and peaceablie enjoy, bruike and poſſeſſe the honours, dignities, priviledges and prerogatives, competent to them or their Eſtaite ſince the Reformation of Religion; and all Towres, Fortalices, Lands, Kirks, Teynds, Rents, Twapart, Thriddes, Patronages and rights whatſomever, belanging to the Biſhopricks or any of them, to uſe and excerciſe the ſamine, and freelie diſpone upon the haill twa-part and thrid, Temporalitie and Spiritualitie of their ſaids Biſhopricks, and all the premiſſes belanging to the ſaids Biſhopricks, as the ſaids Acts of annexation and remanent Acts, made in any wyſe to their prejudice in the premiſſes, and everie ane of them, and all that followed there-upon, had never bene made nor done. They alwyſe enterteining the Miniſters, ſerving at the cure of the Kirks of their ſaids Biſhopricks, upon the readieſt of their ſaids thriddes, according to the ordinar aſſignations made or reaſonablie to be made thereanent.

ATTOUR, Becauſe his Majeſties intention is onely to reſtore the Biſhopricks, whilks are benefices of cure, and nowyſe to alter any thing done in other benefices, whilks are not of cure. And for the better ſatisfaction of his Majeſties ſubjects and faithfull ſervants, whom his Majeſtie in his princelie liberalitie, for diverſe good reſpects and cauſes mooving him, hath beneficed, rewarded and advanced with erections, fewes, Patronages, Teyndes, and others infeftments, confirmations of lands, rents, Teyndes, Patronages and others rights of Abbacies, Pryories and others Benefices, not being Biſhopricks.

And to the effect they be not prejudged, nor put in miſtruſt by this act, of their ſaids ſecurities in the premiſſes, His Heighnes with the advyce of the haill Eſtaites of Parliament, Ratifies and approves, and for him and his Succeſſours perpetuallie confirmes, the haill erections, infeftments, confirmations, Patronages, tacks and others ſecurities of Lands, Teyndes, Patronages, rights and rents whatſomever, of the ſaids haill Benefices foreſaids, or any part thereof (not being Biſhopricks) given, diſponed or confirmed by his Majeſtie, during the tyme of the ſaid Parliament, halden in the Moneth of Julie, ane thouſand, five hundreth, foureſcore ſeven yeares of before or ſenſyne, made agreable to the Lawes and Acts of the ſaid Parliament ane thouſand, five hundreth, foureſcore ſeven, and others Lawes and Acts made ſenſyne. And faithfullie promits *in verbo Principis*, never to quarrell nor impugne the ſamine, directlie nor indirectlie in any tyme comming. As alſo for the well and ſecuritie of the tenants of the Lands and Teyndes of the ſaids Biſhopricks, wha ſince the Act of annexation, have deburſed diverſe ſummes of money to his Heighnes Theſaurer, for making and confirming to them of their infeftments, tacks and ſecurities of the ſaids Lands, Teyndes and rents of the Biſhopricks poſſeſt by them. And to the effect the annulling of the ſaid Act of annexation, bereave them not altogether of the ſaids Lands, Teyndes and Rents of Biſhopricks, acquyred be them upon their large charges and expenſes, according to the Law then ſtanding. And that upon the other part, the ſaids Biſhopricks be not altogether made unprofitable, by the unlawfull Dilapidation of the rents thereof, and hurtfull converſion of the victuall, caines, cuſtumes, and others commodities of the ſamine, for unequall and unworthie pryces.

THEREFORE his Majeſtie with advyſe of his Eſtaites foreſaids, Ordeins the ſaids perſons poſſeſſours of the Lands or Teyndes of Biſhopricks by vertue of Infeftments, Confirmations or Tacks of the ſamine granted or ſett ſince the ſaid Act of annexation, and conforme to the ſamine, and Lawes of the Realme, at the tyme of the making thereof, ſhall have the ſecurities, confirmations, tacks and rights

of the ſaids lands and teynds of the Biſhopricks foreſaids, renewed and graunted to them in ſufficient, valeid and perfite forme by the Biſhops, poſſeſſours of the ſaids benefices. The ſaids Fewers, Tackſmen and Tenants, paying to the ſaids Biſhops, for greſſum, entreſſe and compoſition, for renewing of their ſaids fewes of all Lands, and others belanging to the ſaids Biſhopricks; and als ratification of their ſaids tacks of all teyndes perteining thereto. Of the whilks at the day and date hereof, there are ten yeares crops of the ſamine to runne. The double of the yearlie ſilver duetie, conteined in their ſaids fewes and tacks; and the ſingle of the victual duetie, and of all others dueties expreſſed therein. And that by and attour the yearlie duetie expreſſed in their ſaids fewes and tacks. The whilks dueties, for greſſum, entereſſe and compoſition, the haill Eſtaites of Parliament, declares, ſhall be payed by the ſaids Fewers, Tackſmen and Tenants, within yeare and day, after they be lawfullie cited to that effect, and for that ſamine cauſe; or after that intimation of the ſamine be made to them, by the Biſhops in their awne Courts. And in caſe of not thankfull payment, of the double of the ſaid ſilver duetie, and of the ſingle of the ſaid victual, and others dueties to be payed within yeare and day, after the ſaid citation and intimation, as ſaid is.

THE ſaids Eſtaites of Parliament, findes and declares, that the ſaids Fewers and Tackſmen ſhall be aſtricted to pay after the expyring of the ſaid yeare and day, thankfull payment not being made within that ſpace of the foreſaids greſſumes, entreſſe and compoſition, extending to the quantie above written; the quadruple of the ſilver duetie, and the double of the ſaid victual, and others dueties foreſaids, to be payed to the ſaids Biſhops, by and attour the yearlie dueties conteined in the ſaids fewes and tacks, as is before ſaid. And the ſaids Eſtaites, ordeines and declares, that if there be not ten yeares compleit to runne of the ſaids tacks of teyndes, perteining to the Kirks of the ſaids Biſhopricks, after the day and date hereof; in that caſe, the Tackſmen on nawyſe ſhall be aſtricted to pay any greſſum, entreſſe or compoſition for the ſamine, to the ſaids Biſhops, but they to be free thereof.

ATTOUR, the ſaids Eſtaites declares, that the ſaid act and ordinance of Parliament, ſhall nowyſe be extended, comprehend nor prejudge any fewes of Biſhopricks, lawfullie ſett and confirmed before the ſaid act of annexation, whilk was in the ſaid Moneth of Julie, ane thouſand, five hundreth, foureſcore ſeven yeares. Excepting and reſerving alwyſe forth of this preſent act, all diſpoſitions made of whatſomever patronages of Kirks perteining to the ſaids Biſhopricks, diſponed by lawfull Titulares, and the Kings Majeſtie, and ratified in Parliament, in favours of whatſomever perſon or perſons, and nane others. And findes and declares all diſpoſitions whatſomever, made of the foreſaids patronages of all Kirks perteining to the Biſhopricks diſponed by the lawfull Titulares, and his Majeſtie, and not confirmed in Parliament to be of nane availl, although the ſamine patronages be graunted and diſponed by the Kings Majeſtie and Titulares thereof. And lykwyſe, excepting and reſerving all common Kirks, perteining of auld to the ſaids Biſhoppes, and their chapter in commountie, whilks are diſponed by his Majeſtie, to whatſomever perſon at any tyme preceeding this preſent act. And the ſaids Eſtaites declares, that if there be any common Kirks, perteining to the ſaids Biſhopricks, and to their chapters of auld, that now perteines and falles to them be vertew of this preſent act. That thereby the Miniſters, wha are lawfullie provyded to the ſaids common Kirks by preſentation, collation and admiſſion, and ſerving thereat, ſhall nowyſe be prejudged during their lyftymes; but that the ſaids proviſions ſhall be ſufficient right and warrand to the ſaids Miniſters, to bruke, joyce and poſſeſſe their common Kirks foreſaids, according as they are provyded thereto, for all the dayes of their lyftymes. Notwithſtanding whatſomever clauſe conteined in this preſent act, or any other act of Parliament, that might make any derogation to the ſaids proviſions. Excepting alwyſe, and reſerving the Caſtell of *Sanct-Andrues*, and Caſtell yardes of the ſamine, diſponed to *George* Earle of *Dumbar*, upon the reſignation of *George* Archbiſhoppe of *Sanct-Andrues*, diſſolved and diſmembred from the ſaid Archbiſhoprick, by OUR SAID SOVERAIGNE LORD, and Eſtaites, with expreſſe conſent and aſſent of the ſaid Archbiſhop, perſonallie compearand in Parliament. Whom to OUR SAID SOVERAIGNE LORD, in place and recompence of the ſaid Caſtell, hes given and diſponed the Proveſtrie of *Kirkhill*, Vicarage and Arch-Deinrie of *Sanct-Andrues*, to remaine with the ſaid Arch-biſhop and his Succeſſours, by and attour ane yearlie penſion of three hundreth markes, given to the ſaid Archbiſhop, ſa that the ſaid Caſtell and Caſtell yardes, ſhall nowyſe be comprehended in this preſent act, nor yet ſhall be compted nor eſtemed in any tyme hereafter, any part or portion of the patrimonie of the ſaid Archbiſhoprick, but ſhall remaine with the ſaid *George* Earle of *Dumbar*, his Heires and Succeſſours, as their proper heritage lawfullie diſponed to them, and diſſolved from the ſaid Archbiſhoprick. And in lyke maner, the ſaids Eſtaites declares that the foreſaid Act, graunted in favours of the ſaids Biſhops, ſhall not be extended nor be prejudiciall to the infeftments, rights and tytles made to Sir *Robert Melveill* of *Murdocarnie* Knight, his Heires and Succeſſours mentioned therein of the lands of *Monymaill*, and *Lethame*, with the Maner-place, yardes and bigging of *Monymaill* and Patronage of the Kirk of *Monymaill* perteining of auld to the Archbiſhoppe of *Sanct-Andrues*. And declaris the ſamine infeftments to ſtand in the awne ſtrength, notwithſtanding this preſent Act. Provyding alwyſe, that the ſaid Sir *Robert Melvill* and his heires, ſuſtaine and entertaine the Miniſters, ſerving at the ſaid Kirk, upon the frutes of the ſamine Kirk. And notwithſtanding this preſent act and haill clauſes therein conteined, OUR SAID SOVERAIGNE LORD, with advyce foreſaid, having conſidered the Fewers of the Barronie of Glaſgow, to be many in number and the povertie of the maiſt part of them, to be ſik as they are not habile to furniſhe

furniſhe the ordinare charges for renewing their infeftments, have diſpenſed, and by this preſent Act diſpenſes anent the foreſaid clauſe of renueing of fewes, with ſa many of the ſaids Fewers as have taken their fewes, without diminution of the rentall, and converſion of victual, and other dueties in ſilver. And wha ſhall obteine ane ratification from *Johne* now Archbiſhop of *Glaſgow* of the ſaids fewes and rights, before the feaſt of *Alhallowmes* next to come. And declares the fewes lawfullie ſet, as ſaid is, to the ſaids perſons, valide and effectual, their heires, ſucceſſours and aſſignayes, alwyſe entering by the ſaid Archbiſhoppe, as their immediat ſuperiour; and by his ſucceſſours to their ſaids lands, rowmes and poſſeſſions, by Brieves raiſed out of the ſaid Archbiſhops Chancellarie, precepts of *clare conſtat*, reſignations and confirmations, as uſe is, and paying their few mailles, fermes, moulters, caines, and others dueties, to the ſaid Archbiſhop and his ſucceſſours in all tyme hereafter; but prejudice to the letters of gift, and penſion graunted to the Duke of *Lennox*, Sir *George*, Sir *James* and *Archibald Erſkeins* penſions, forth of the frutes of the ſaid Archbiſhoprick of *Glaſgow*, to be bruiked by the ſaid Lord Duke during his lyftyme allanerlie.

3. *Act anent the dilapidation of Biſhopricks.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, having conſideration of the act made in the tenth Parliament, halden by his Heighnes in the yeare of God, ane thouſand, five hundreth, fourſcore five yeares, and in the elleventh Act of the ſaid Parliament, conteining diverſe cautions and proviſions, tending to reſtraine beneficed perſons, from away putting of any part of their benefice, whereby the ſaids benefices may be left in worſe eſtate nor the ſamine was at their entrie thereto; as the ſaid Act doeth at mair length contein. Hes ratified and approven the ſaid act in all the articles, heads and circumſtances thereof; declairing the ſamine to remaine in full ſtrength, and to have the effect and force of ane perpetual Law and ſtatute of Parliament in all tyme comming, with thir additions. They are to ſay, that it ſhall no wyſe be leaſome to any perſon provyded or to be provyded to ane Biſhoprik within this Realme; to diſpone or give in penſion any part of the patrimonie of the ſaid Biſhoprik, whilk ſhall indure and laſt langer ſpace nor the giver of the ſaid penſion ſhall bruike the ſaid Biſhoprik. And if it ſhall happen the ſaids perſons provyded to the ſaids Biſhopriks now, or in any tyme to come, to diſmember any part of their ſaids benefices or patrimonie thereof. OUR SOVERAIGNE LORD, and Eſtaites of Parliament, decernes and declares all ſik facts and deeds to fall under the compaſſe, perrell and danger of dilapidation of benefices, and to be ane expreſſe ſpece and kynde of dilapidation. And be reaſon it hes ever bene found neceſſar in all tymes paſt, that the fewing of lands, ſetting of tackes, and doing of ſik other lawfull deeds, be whatſomever Biſhope and Prelat within this Realme, of any part of the patrimonie of their ſaids benefices, ſhould have the conſent of the maiſt part of their Chapter, without whais conſent, had and obteined to the ſaids deeds, in haill, or the maiſt part thereof, was no wyſe leaſome to the ſaids Prelats to doe any of the ſaids deeds. Therefore, the ſaids Eſtaites, according to the written Lawes made there-anent, and cuſtume perpetuallie obſerved in ſik caſes of before; finds and declares, that na Biſhop within this Realme, may ſet in few, tack, or otherwyſe, nor doe any other deed in the diſponing of any part of the patrimonie of their ſaids Biſhopriks, without the advyce, conſent and aſſent of their chapters, or the greateſt number of them, duelie procured and obteined thereto. In the purchaſing of whais conſent, it ſhall no wyſe be requiſit to have their ſaids chapters chapterlie conveined (but the ſaids deeds being otherwyſe lawfullie done, and ſubſcryved by the maiſt part of the ſaid chapter) the not meeting and conveining chapterlie at the tyme of the making of the ſaids rights, and ſubſcryving thereof, ſhall furniſhe na ground where-upon the ſaids facts and deeds may be quarrelled, or the ſaids rights and tytles impugned or annulled, throw the cauſe or occaſion foreſaid. Whilks chapters decernes and declares, to remaine now and in all tyme comming, according to the foundation of the ſaids Biſhopriks, and as hes bene in tymes bygane, without any kynde of alteration to be made therein. Excepting alwyſe, the chapter of the Archbiſhoprik of *Sanct-Andrees*, the alteration whereof (whilk is made in maner under-written) neceſſarlie proceeded in that the ſamine conſiſting of before of the Pryorie of *Sanct-Andrees*, is ſuppreſſed by the new erection of the ſaid Pryorie, whereby the ſaid chapter ceaſſes. And therefore, the ſaids Eſtaites hes declared and declares that the ſaid chapter of *Sanct-Andrees*, hereafter ſhall conſiſt of the number of the perſons following, *Viz.* of ſeven perſons of the Miniſtrie, dwelling and having their charge within his Diocie of *Sanct-Andrees*, to be elected and nominat by the ſaid Archbiſhop himſelfe, to be the perpetual convent, and chapter of the ſaid Archbiſhoprik in all tyme comming; and after the deceaſe or removing of any ane or maa of them, from their preſent places and function within the ſaid Diocie, the Intrant ſucceeding in that place and charge, to ſucceed alſo in the ſamine roume of the chapter and convent. Reſerving alwyſe to the ſaid Archbiſhop and his ſucceſſors their auncient priviledges, that the common ſeall of the ſaid chapter to be made of new by their awne advyce, ſhall ſerve for their conſents without their ſubſcriptions.

FARTHER, the ſaids Eſtaites findes and decernes, that the preſent common ſeall of the ſaid chapter, being appended to the evidents or rights whatſomever, alreddie made and graunted by the ſaid Archbiſhope, hes bene and ſhall be in all tyme comming, ane ſufficient and perfite conſent of the chapter, and als effectual for ſecuring of the vaſſals and tennents, receavers of the ſaids rights, as the ſamine hes bene in any tymes of before; and ſa to indure in force hereafter, for conſent of the ſaid chapter, ay and whill the election of the ſaid new chapter, and making of the ſaid new common ſeall.

Attour, OUR SAID SOVERAIGNE LORD, and Eſtaites of Parliament, findes and declares, that it is and ſhall be leſome to the ſaids Archbiſhops, Biſhops, and their Succeſſours, to ſet als many tacks of the frutes and dueties perteining to their ſaids benefices, either ſhort or lang tacks, as they pleaſe; and for als many yeares as they ſhall thinke meet and expedient, whilk may ſubſiſt of the Law. In doing whereof the ſaids Eſtaites will make na reſtraint or limitation of any tyme to the ſaids Biſhops. And be reaſon that the duetie of the ſaids tacks to be ſet be the perſons provyded to the ſaids Biſhopriks, are to be applyed, and converted for ſatisfaction, and enterteining the Miniſters ſerving the cure of the Kirks of the ſaids Biſhopriks, and for ſupplie of ane part of their ſtipends to be given to them. Therefore the Eſtaites ordeins the ſaids Biſhopes to have ane cairfull regarde that the ſaids tacks be ſet for ane competent duetie, whilk may in ſome reaſonable proportion anſwering to that whilk is ſett in tack, bee mair meet to ſupplie ane part of the ſaids Miniſters ſtipends, whilks dueties of the ſaids tacks and als the ſtipends whilks ſhall be provyded to the Miniſters, ſerving at the Kirks of every Biſhoprick, ſhall be in all tyme comming reput as ane part of the rentall of the ſaids Biſhopricks: whilk rentall ſhall nowyſe be hurt, viciat or diminiſhed by the titulare of the ſaid Biſhoprick in any tyme to come. And to the effect that the Miniſters of the ſaids Kirks may be the mair certainlie provyded, and the rentall of the Biſhopricks may be made (whilk ſhall not be altered, as ſaid is) Ordeins all Archbiſhops and Biſhops, wha are alreadie provyded, or ſhall be provyded in tyme to come, to make ane ſufficient rentall of the patrimonie of ilk Biſhoprick, and to give in the ſame to the Clerk of Regiſter and his deputes, to remaine in his Regiſter, *ad futuram rei memoriam*; and that within the ſpace of ane yeare, after the date of this preſent act, under the paine of ane thouſand markes, to be payed be the perſon wha ſhall failye in giving of the ſaid rentall within the ſpace foreſaid, to OUR SOVERAIGNE LORDS Collector generall. Of the whilk ſumme, the ſaid Collector ſhall be halden to make compt and reckning to the auditours of his Heighnes Checker. Lyke as it is provyded, that it ſhall nowyſe be leſome to the ſaids Archbiſhops or Biſhops, to hurt or diminiſhe any point or part of the ſaid rentall, to be given in be them, as ſaid is, whilk will conſiſt cheeflie of the quantitie of victuall and ſilver, whilk ſall be provided to the ſaids Miniſters for their ſteipends for ſerving the cures of the Kirks of the ſaids Biſhopricks, as ſaid is, but the ſaid rentall ſhall remaine in the awne integritie in all tyme comming. To the effect that the ſaids Miniſters and their Succeſſours ſerving the Kirks of the ſaids Biſhopricks, as ſaid is, may be aſſured of certaine locall ſteipends, for their ſaid ſervice; not to be ſubject to the many changes and alterations, whereby frequentlie they have bene troubled in tymes preceeding. And laſt of all, becauſe that the rentall to be given in of the ſaids Biſhopricks, will conſiſt and be made up, partlie of the dueties of the ſaids tacks to be ſet, as ſaid is, and that the certaintie of the ſaids locall ſtipends ſtands in the up-giving of the ſaids rentals, whilk OUR SAID SOVERAIGNE LORD and Eſtaites, ordeins to be done with all goodlie diligence within the tyme preſcryved thereto; that the Miniſters ſerving the Kirks be not fruſtrat or diſapoynted of due ſatisfaction and recompence for their travels tane in the ſervice foreſaid: And that they may be put in certaintie thereof in tyme to come, wherein the evident well and profite of the Kirk does appeare, and manifeſt the ſelfe. And for that cauſe order is given and forme preſcryved for ſetting of tacks, as the preceeding Articles of this act proports. Where-throw whatſomever acts and conſtitutions made by any, either Civill or Eccleſiaſtik Judge, tending to the prohibition and reſtraint of ſetting of lawfull tacks by any beneficed perſon, aught to be annulled; ſeing the ſaids acts and conſtitutions, whilks wer made upon any preconceaved feare of any laik or want of maintenance for enterteinment of the Kirk, Or upon any other ground, are now clearly ſatisfied, by the cairfull regarde whilk his Majeſtie, and Eſtaits of this Parliament hes alwayes had, to the advancement of the Kirk, and to the certain proviſion of the Miniſtrie thereof, with conſtant ſteipends. Ane worke very neceſſare, and to be forthered and exped by the preſent Biſhops, and to whais cares and travels, OUR ſaid SOVERAIGNE LORD and Eſtaites, hes recommended and commits to give over in the certaine proviſion of the Miniſtrie, ſerving at the Kirks of their Biſhopricks, with competent and reaſonable ſtipends, anſwerable and agreable for their travels and ſuſtentation. And therefore OUR SOVERAIGNE LORD, and Eſtaites foreſaids, Statutes, decernes and declares, all and whatſomever actes, lawes, Statutes, ordinances and conſtitutions Eccleſiaſticall or Civill, whilks are alreadie made in tyme bygane, or ſhall happen to be made in tyme to come, whereby any beneficed perſon within this Realme, are prohibit and diſcharged to ſet any tacks of teynds, (whilks tacks may ſubſiſt of the law, and whilks acts and ordinances may directlie or indirectlie ſeime to infringe and annull the ſaids tacks lawfullie ſet, as ſaid is, or to inflict any paine or puniſhment upon the ſetters thereof) to be altogether null and of nane availl, and to have na ſtrength, force nor effect now and in all tyme comming, ſik-lyke as if the ſamine had never bene made; whilks all and others acts, ordinances and conſtitutions to be made anent the premiſes, and whilk may tend to the lyke end in any tyme to come, OUR SOVERAIGNE LORD and Eſtaites ſimpliciter diſcharges for now and ever.

4. *Anent forfaulted perſons and their reſtitution be way of Grace.*

OUR SOVERAIGNE LORD perfitelie underſtanding that the due puniſhment inflicted on traitours and rebels, and the rewardes rightlie diſtributed to faithfull and well deſerving ſubjects, encourages the better ſort in well doing, and is ane terrour to the evill diſpoſed to give withgate to their inclination. In conſideration thereof, with advyce and conſent of the Eſtaites of his Heighnes Parliament,

Ratifies,

Ratifies, approves and perpetuallie confirmes the proceſſes, ſentences and domes of forfaultours, led, deduced and pronounced againſt *Frances* ſometyme Earle of *Bothwell*, umwhile *John* ſometyme Earle of *Gowrie*, and umwhile Maiſter *Alexander Ruthven* his brother their memorie; together with the acts made anent the inhabilitie of the poſteritie of the ſaids traitours. And decernes, declares, ſtatutes and ordeinis; that the gratious reſtitution to be given by his Majeſtie, or any of his ſucceſſours, to any perſon or perſons alreadie forfaulted ſince his Majeſties perfite age; or wha in any tyme comming ſhall happen lawfullie to be forfaulted by his Majeſtie, or any of his ſucceſſours, or to their heires or their ſucceſſours, ſhall nowyſe hurt or prejudge any of his Heighnes ſubjects in the right and ſecuritie obteined or to be obteined by them or any of them, of the lands, poſſeſſions, tacks, rights, goods or geare perteining to the ſaids forfaulted perſons rebels, and fallen to OUR ſaid SOVERAIGNE LORD, or his ſucceſſours by their rebellion and forfaultour: but that the ſamine lands, poſſeſſions, tacks, rights, goods and geare whatſomever, fallen to his Majeſtie in maner foreſaid, and lawfullie diſponed by his Heighnes, or hereafter to be diſponed by him, or his ſucceſſours, to any of his or their lawfull ſubjects, ſhall perpetuallie remaine with, and appertein to the receavers of the ſecuritie and diſpoſition thereof. Notwithſtanding the ſaid gratious reſtitution, to be obteined by the ſaids forfaulted perſons or their heires or ſucceſſours, whilk ſhall be na farther extended, nor have na farther force nor effect, but for the rehabilitation of their perſons allanerlie; and nowyſe to be extended to the lands, poſſeſſions, tacks, rights, goods or geare perteining to them before their forfaultour, and lawfullie diſponed to any of his Heighnes obedient ſubjects, at ſik tyme as the undoubted right thereof ſtude in his Heighnes perſon, fallen and becommen in his Majeſties hands, be vertue of the ſaid forfaultour. And becauſe the perſons forfaulted, their children and friends, in prejudice of his Heighnes donatours, and others his Majeſties obedient and duetifull ſubjects, abſtracts and abſents the evidents, tacks and ſecurities of the lands, rowmes and poſſeſſions of the ſaids forfaulted perſons. IT is therefore ſtatute and ordeined, that notwithſtanding the abſtracting and abſenting by any perſons of the evidents, tacks and ſecurities of the lands and poſſeſſions whilks perteined to any forfaulted perſons, and whereof the rights being either diſponed or confirmed by his Majeſtie, the ſaids diſpoſitions or confirmations are extant in his Heighnes Regiſter, that the extract thereof forth of the Regiſter ſhall be als goode, and ſufficient tytle and right to his Majeſties donatours, and others his obedient and duetifull ſubjects, having right thereto, for bruiking and joyſing of the ſaids lands and poſſeſſions, as if the principal and original evidents, tacks and ſecurities were yet extant. And that the ſaids evidents and ſecurities ſhall not be decerned to make na faith or to be improven, for not production of the original and principal, the ſaids extracts or confirmations being produced by his Majeſtie, or his donatours and others foreſaids. And they being content to abyde at the veritie of the deed, and tryel not onely of the truth of the confirmation, but alſo at the trueth of the writ whilk is inſert in the confirmation, whereof the principal is abſtracted.

5. *Act anent the rivers of* Tweid *and* Annand.

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, underſtanding that in the act made in his Heighnes Parliament, in the yeare of God, ane thouſand, ſex hundreth yeares, whereby the ſlaying of Salmond fiſhe in forbidden tyme, or of Kipper, Smolts or black fiſhe, at any tyme was declared to be thift; and the committers thereof were ordeined to be puniſhed for the ſamine as for thift. The Rivers of *Tweed* and *Annand* were then excepted, becauſe the ſaids Rivers at that tyme devyded at many parts, the bounds of *Scotland* and *England* adjacent to them, whereby the forbearance upon the Scots part of the ſlaughter of Salmond, in forbidden tyme. and of Kipper, Smolts and black fiſhe, at all tymes: wald not have made Salmond any mair to abound in theſe waters, if the lyke order had not bene then obſerved upon the Engliſh ſide. Whilk impediment, through the infinite mercy of GOD, being now removed, by the moſt happie uniting of baith the Kingdomes in ane Empyre, in the Royal perſon of his moſt excellent Majeſtie, undoubted and righteous Monarch of the ſamine. Whereby the Inhabitants of this haill Iſle, are equallie ſubject to his ſacred Perſon and Lawes; and the remeed of their harmes, and the redreſſe of their abuſes, puniſhment of their tranſgreſſions, and eſtabliſhment of their univerſal well belangs to his charge.

Therefore OUR SOVERAINE LORD and Eſtaites of his Heighnes Parliament, clearlie underſtanding that the cauſe of the ſaid exception is now removed, Ratifies and approves the ſaid act of Parliament, anent the forbidding the ſlaughter of Salmond, Kipper, Smolts and black fiſh, in maner above written, and paines of thift and death, decerned againſt the contraveiners thereof. And retreats, perpetuallie annulles and abrogats the ſaid exception of the ſaids waters of *Tweed* or *Annand*. And decernes and declares, that in all tyme comming, the contraveiners of the ſaid act, or any part thereof, in the waters of *Tweed* or *Annand*, or any part of the ſamine, ſhall underly the paines foreſaids of thift and death, according to the qualitie, rank and eſtate of the committers thereof, and as if the firſt act had bene generall, and the ſaid exception had never bene conteined therein.

6. *Anent the cuſtumes betwene* Scotland *and* England.

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, ſtatutes and ordeines that the Fermers of the cuſtumes in *Scotland* doe keepe ane original buike of all the goods that are

entred and ſhipped for *England*, the ſhips name, place and maiſters name, and to what port the ſhip is bound, and to keepe the entreſſe of every port by themſelves. And alſo ane other original buike of the goods brought from *England*, the ſhips name, maiſters name, of what port, and from what port the ſhip comes, to keep the entreſſe of every port by themſelves; and every half yeare the Fermers of *Scotland*, to ſend ane true copie of the ſamine buikes to the Fermers of *England*; and the Fermers of *England* to doe the lyke to the Fermers of *Scotland*: and anes yearlie, lykwyſe to ſend the ane to the other, all the returnes, whilk come from either Kingdome, for diſcharge of their bands, to examine if they be not falſified, whilk being examined, ſhall be returned back againe.

SIKLYKE, It is ſtatute and ordeined, that the Cocquet doe paſſe in the names of the principall awners of the goods laiden in every ſhip, and not in poore mens names, ſcarſelie knawne in *England*.

ITEM, That order may be taken that na geare nor marchandice be ſuffered to paſſe by land from *Scotland* into *England*, nor from *England* into *Scotland* by the waſte grounds and waſtes.

IT Is ſtatute and ordained, that goods caried by land from *Scotland* to *England*, or broght from *England* to *Scotland*, may paſſe onely by the wayes of *Berwick* and *Carleill*, and by no other way to prevent all fraud. And that all Merchants doe bring ane certificat from the Fermers deputes of *Edinburgh* to the Fermers deputes of *Berwick* and *Carleill*; and alſo the Fermers deputes of *Berwick* and *Carleill*, to give the lyke certificat for all goods paſſing theſe wayes, for *Edinburgh* or any other Cittie or Towne in *Scotland*, and to keepe original buikes thereof, under the paine of warding of the perſons of them wha ſhall contravein this preſent act, or any poynt thereof, and eſcheating and confiſcation of the haill goodes, geare and merchandice, whilk any perſon or perſons ſhall tranſport betwixt *Scotland* and *England* otherwyſe nor is preſcryved in this preſent act.

7. *Anent Gleibs in Paſturage and ſowmes graſſe.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, underſtanding that be act of Parliament, anent the deſignation of Manſſes and Gleibs to Miniſters. It is ordeined, that there ſhall be foure aikers of land deſigned to ilk Miniſter for his Gleib next adjacent to the Kirk. And ſeing that by the iniquitie of tyme and diſorder of the Borders and Hielands of this Realme in tyme bygane. There are ſundrie Kirks within the ſamine whilk hes na arrable land adjacent thereto, but onely paſturage; ſa that by the foreſaid act of Parliament, made anent the deſignation of foure aikers of land onely for the Gleib of ilk Miniſter, and na farther. The Miniſters ſerving the cure at ſik Kirks as hes na arrable lands adjacent thereto, but onely paſturage, are greatlie hurt and defrauded. For remeid whereof, It is ſtatute and ordeined that in all tyme comming, there be deſigned to the Miniſter ſerving at the cure of ſik Kirks where there is na arrable land adjacent thereto, foure ſowmes graſſe for ilk aiker of the ſaids foure aiker of Gleib land, extending in the haill to ſextene ſowmes, for the ſaids foure aikers, and that of the maiſt commodious and beſt paſturage of ony Kirk lands, lyand next adjacent and maiſt neareſt to the ſaids Kirks. And ordeins letters to be direct againſt the poſſeſſours thereof for removing therefra, in the ſamine forme, as is appoynted by the foreſaid act of Parliament, made anent deſignation of Manſles and Gleibs of before.

8. *Anent teynding of cornes.*

IT Is ſtatute and ordained by OUR SOVERAIGNE LORD, and Eſtaites in Parliament, that in tyme comming in all teynding of cornes, that the ſamine be teynded at three ſeverall tymes every yeare, if the awners of the cornes ſhall thinke it expedient: To wit, the croft infield corne at ane tyme, the beere at ane other tyme, and the out-field corne at the thrid tyme. And declares that fiftene dayes after the compleit ſhearing of ilk ſort of cornes being out run, that it ſhall be leaſome to the awners at the ſaid fiftene dayes end, to make requiſition upon ſeven dayes to make them thankfull teynding; and if the awners get not thankfull teynding at the expyring of the ſaids ſeven dayes, the ſaids Eſtaites declares, that it ſhall be lawfull to the awners of the ſaids cornes, to teynd and ſtack the ſamine themſelves, conforme to the act of Parliament made of before, anent the teynding of corns in all poynts, and ſhall incurre na danger therethrow.

9. *Anent auld decreits of ejection and ſpuilyie in the* Borders.

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, being cairfull that the ſetled and peaceable eſtate, happelie begun in theſe parts of this Countrie, whilk were the late Borders, fore-anent *England*, may be ſa mainteined, as all occaſions of diſturbances thereof may be providentlie foreſeene, and convenientlie remeided. And underſtanding, that na thing is mair habile to bring diverſe of the inhabitants of the ſaids Borders ro deſperat courſes and turbulent enterpryſes, then the rigorous execution of auld decreits, obteined againſt them or their prediceſſours, twentie yeares before his Majeſties happie ſucceſſion to his Crown of *England*, ſpeciallie where the ſaids decreits of their awne nature, may bring the danger of the yearlie violent profits upon the perſons againſt whom the ſaids decreits were obteined; and thereby ſurmounting often-tymes their haill valiant, if they be put to extreame execution, will give the partie occaſion of ſik diſpare, as may induce them to attempt ſa dangerous remedies, as may diſturbe the general

generall quyetneſſe, to renew and beginne hot and bloudie feeds amongſt parties. For remeed whereof, and to the effect ſik auld decreits of ejection or removing, as were obteined twentie yeares before his Majeſties comming to the Crowne of *England*, and na execution ſought nor obteined there-upon, during the ſaid ſpace of twentie yeares preceeding his Majeſties obteining of the Crown of *England*, may not urge and dryve them to diſpare and miſerie, ſik as have three yeares bygane conteined themſelves in all duetifull obedience to his Majeſties authoritie and Lawes.

THEREFORE His Majeſtie and Eſtaites foreſaids, ſtatute and ordaine, that all ſik decreits of ejection and removing, and all effect and execution that any way may follow there-upon, ſhall ceaſe, and in all tyme comming be voyd. Except for obteining of poſſeſſion, to the parties in whais favours the ſaids decreits were pronounced, of the lands therein conteined; and payment to them of the ordinare profites, whilks the ſaids lands have payed, to the perſons againſt whom the ſaids decreits were given, of the yeares ſince his Majeſties going into *England* allanerlie, and of na others yeares preceeding the ſamine. With ſpecial proviſion, that in caſe the perſons againſt whom the foreſaids decreits of removing or ejection were given, ſhall happen hereafter to be lawfullie denounced rebels, and put to the horne, for not obedience of the foreſaids decreits; they being firſt charged after the day and date hereof, by all the charges conteined in the letters raiſed or to be raiſed upon the ſaids decreits to obey the ſamine. In that caſe, the ſaids Eſtaites of Parliament, declares that the perſons obteiners of the foreſaids decreits, ſhall have ſufficient action againſt the perſons defenders, ſpecified in the ſaids decreits for the violent profites of the lands mentioned thereintill, continuallie ſince the obteining of the foreſaids decreits, as accords of the law, notwithſtanding of this preſent act.

10. *Act anent directing letters of Horning on Schirefs, Stewarts and Baillies decreits.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, ordeins for the greater furtherance and better execution of Juſtice to all his Majeſties Leiges, and eſchewing of the ſuperfluous and unneceſſar charges, whilks they ſuſtein by poynding on decreits, obteined before Schirefs, Stewarts and Baillies, alſwell of Royaltie as Regalitie, that the lyke letters and execution of Horning be direct and graunted by the Lords of Seſſion, upon all acts, decreits and ſentences of Schirefs, Stewarts and Baillies alſwell of Royaltie as Regalitie, as are graunted and direct upon decreits, acts and ſentences of Proveſts and Baillies within Burgh, conforme to the act of Parliament made there-anent, and after the forme and tennour of the ſamine in all poynts.

11. *Anent Coalyiers and Salters.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, ſtatutes and ordeins, that na perſon within this Realme hereafter ſhall hyre or conduce any Salters, Coalyiers or Coal-bearers, without ane ſufficient teſtimonial of their Maiſter whom they laſt ſerved, ſubſcryved with his hand, or at leaſt ſufficient atteſtation of ane reaſonable cauſe of their removing, made in preſence of ane Baillie, or ane Magiſtrat of the part where they came fra. And in caſe any receave, fee, hyre, ſupplie or intertaine any of the ſaids Coalyiers, Salters or Coal-bearers, without ane ſufficient teſtimonie, as ſaid is. The maiſters whom fra they came, challenging their ſervants within yeare and day, that the partie whom fra they are challenged, ſhall delyver them back againe within twentie foure houres, under the paine of ane hundreth pounds, to be payed to the perſons whom fra they paſſed, and that for ilk perſon; and ilk tyme that they or any of them ſhall happen to be challenged, and not delyvered, as ſaid is. And the ſaids Coalyiers, Coal-bearers and Salters, to be eſteemed, reput and halden as theives, and puniſhed in their bodies, *Viz.* Sa many of them as ſhall receave forewages and fees. And the ſaids Eſtaites of this preſent Parliament, gives power and commiſſion to all maiſters and awners of Coal-heughs and Pannes, to apprehend all vagabounds and ſturdie beggers to be put to labour.

12. *Act anent ſetting of Fewes be ſubvaſſels of ward lands.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, having conſideration of the act and ſtatute, made by his Heighnes prediceſſour, King JAMES the Second of worthie memorie, in the fourtene Parliament, halden by his Majeſtie, and threſcore twelve chaptour of the ſaid Parliament, anent the ſetting of lands in Few-ferme, as the act it ſelfe at lenth conteines. Under the pretext and cullour, whereof divers perſons halden their lands of others Superiours, for ſervice of warde and releif, have ſet the ſaids lands halden by them, as ſaid is, in Few-ferme, to others their ſubvaſſels, for payment of ane Few-ferme duetie; whereby they doe manifeſt prejudice to their ſaids Superiours, in altering of the ſaid firſt halding, expreſſe repugnant to the meaning of the ſaid firſt act. Whereas the ſaid halding can nawyſe be altered by the vaſſels, without ſome direct deed done by their ſuperiours, tending to approve the ſaid diſpoſition, and whilk may alter the nature and condition of the ſaid firſt halding. For remeed whereof OUR SOVERAIGNE LORD, and Eſtaites of Parliament preſen lie conveined, hes ſtatute and ordained, and by the

the tennour of this preſent, ſtatutes and ordeins in all tyme comming, that it ſhall nawyſe be leaſome to the vaſſals of any Earle, Lord, Prelat, Barron, or any other Free-halder within this Realme wha halds their lands of their ſaids Superiours, by ſervice of warde and releif, to ſet their ſaids lands whilks are halden by them, as ſaid is, to any other perſon in few, for payment of ane Few-ferme duetie, in prejudice of their ſaids Over-lords, whom of they hald the ſaids lands, by ſervice of warde and releif, as ſaid is, without the ſpecial advyce and conſent of their ſaids Superiours, had and obteined to the ſetting of the ſaids lands in Few-ferme, or purchaſing of the ſaids Superiours confirmation to the ſaid diſpoſition, if any ſhall happen to be made, as ſaid is. And in caſe any ſik alienation ſhall happen to be made in any tyme to come, without conſent of the ſaids Superiours, or their confirmation obteined to the ſamine, OUR ſaid SOVERAIGNE LORD, and Eſtaites of Parliament, finds, decernes and declares, all ſik diſpoſitions to be null and of nane availl, force nor effect, either by way of action or exception.

13. *Anent laying of Lint in Lochs.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, finding that the laying of Lint in Lochs and burnes, is not onely hurtfull to all fiſhes bred within the ſamine, and beſtial that drinks thereof; but alſo the haill waters of the ſaids Lochs and burnes, thereby being infected, is made altogether unprofitable for the uſe of man, and very noyſome to all the people dwelling there-about. Therefore ſtatutes and ordeins, that na perſon nor perſons in tyme comming, lay in Lochs and running burnes, any grein Lint, under the paine of fourtie ſhillings, *toties quoties*, for ilk tyme they ſhall contravein; and als confiſcation of the Lint to be applyed to the poore of the Parochin, within the whilks the ſaids Lochs and burnes lyes. And by the tennour hereof, gives power to the Seſſion of the Kirk of ilk Parochin, to try, cognoſce, and put this preſent act to execution, and to uplift the unlawes, and confiſcat and diſpone upon the ſaid Lint, to the weall of the poore of the Parochin, as ſaid is.

14. *Act in favours of his Majeſties Vaſſals for payment of their blench dueties.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, remembring the great favour ſhawne and borne by his Heighnes and his prediceſſours, to the Noble-men, Barrons, and others ſubjects of this Realme, and their prediceſſours, for their notable and memorable facts and ſervices done to his Majeſtie and his prediceſſours, in defence and wealfair of the Realme; in making and graunting to them of heritable infeftments of their Lands, Barronnies, Lordſhips, Caſtels, Towres, Fortalices, Woods, Mylnes, Salmond, Fiſhings, offices and others therein conteined, halden of OUR ſaid SOVERAIGNE LORD, and his prediceſſours, in free blench-ferme, for payment of certaine blench-ferme dueties, expreſſed in their infeftments; not as any burding or yearlie duetie, but by way of acknowlegement & recognoſcence, if the ſamine dueties ſhall be requyred allanerlie. And that notwithſtanding thereof, within thir late and few yeares, the ſaids Noble-men, Barrons, and others OUR SOVERAIGNE LORDS Leiges and ſubjects, wha halds their lands and others foreſaids of OUR ſaid SOVERAIGNE LORD in free blench, are yearlie without any juſt cauſe burdened, urged and compelled by charges to make payment in his Heighnes Checker of certaine ſummes of money, as for the pryces and valour of the ſaids blench dueties; there being na ſik ſummes of money nor pryces conteined in their ſaids infeftments. For remeed whereof, OUR SOVERAIGNE LORD, with advyce of the ſaids Eſtaites, findes, decernes and declares, that the Noble-men, Barrons, and others Leiges and ſubjects, wha halds their lands and others foreſaids of his Majeſtie in blench-ferme, are onely juſtlie adetted in payment of the blench dueties expreſſed and ſet downe in their infeftments, if the ſamine be required allanerlie. And that they aught nowyſe to be burdened, troubled or charged for ſummes of money, as pryces for the ſaids blench dueties. And that notwithſtanding whatſomever act or ordinance made by the Lords of his Heighnes Checker, or others acts or ordinances whatſomever, of whatſomever yeares bygane or to come, to the whilks this preſent act ſhall make and makes full derogation. And therefore Sir *Thomas Hammilton* of *Monkland* Knight, Advocat to OUR SOVERAIGNE LORD, in preſence of the ſaids Eſtaites, proteſted in his Heighnes Name, that the blench dueties and ſpecies thereof conteined in the foreſaids infeftments, be conforme to the Kings Majeſtie and his Succeſſours, Eſtate and dignitie. And there-upon the ſaid Lord Advocat asked inſtruments.

15. *Act anent ſeaſings to be given on precepts of the Chancellarie.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, ratifies and approves the act made of before by King JAMES the Fifth of good memorie, whereby it was ſtatute and ordeined, that all Seaſings given by vertue of any precepts direct forth of the Chancellarie, ſhould be given by the Schireffes of the Schyre, Baillies or Stewarts, where the lands lyes, their deputes and Clerk, as in the ſaid act of the date the tenth day of December the yeare of God, ane thouſand, five hundreth, and fourtie years at mair length is conteined, in all and ſundrie poynts, heads, articles, clauſes and conditions of the ſamine, ſa farre as the ſamine extends or may be extended to Seaſings paſt upon precepts direct forth of the Chan-

Chancellarie upon Retours allanerlie. And the ſaids Eſtaites of Parliament, decernes and declares the ſamine act made by King JAMES the Fifth of the date above written, to have bene onely made for ſik Seaſings as are given by vertue of precepts, that paſſes upon Retours, and to nane others Seaſings direct upon any other precept, direct forth of the Chancellarie.

16. *Act in favours of the Burrows Regal.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, Ratifies, approves and confirmes all acts of Parliament and Lawes, with all Freedomes, Priviledges, Immunities and Liberties, granted to the Burghs Regall within this Realme by OUR SOVERAIGNE LORD or any of his Heighnes predeceſſours, at any tyme of before. And decernis and declares the ſaids Burrows, and every ane of them to have good right to bruike their ſaids priviledges and liberties, as they were wont to do before.

17. *Act for ſtaying of unlawfull conventions within Burgh, and for aſſiſting of the Magiſtrats in execution of their offices.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, ratifies and approves all and whatſomever acts made heretofore by his Majeſtie, and his Heighnes progenitours, and the Eſtaites of the Realme, for ſtaying of all tumults, and unlawfull meetings and conventions within Burgh. And ordeins the ſamine to have effect, and to be put to due execution againſt the contraveiners thereof in all poynts. With this addition, That na perſon nor perſons within Burgh, of whatſomever rank, qualitie or condition they be of, preſume nor take upon hand from this forth, under what ſomever cullour or pretext, to convocat or aſſemble themſelves together at any occaſion, except they make due intimation of the lawfull cauſes of their meetings to the Proveſt and Baillies of that Burgh, and obteine their licence thereto; and that na thing be done nor attempted by them in their ſaids meetings, whilk may tend to the derogation or violation of the acts of Parliament, lawes and conſtitutions made for the well and quyetneſſe of the ſaids Burghs. Declaring by thir preſents, the ſaids unlawfull meetings, and the perſons preſent thereat to be factious and ſeditious, and all proceedings therein to be null and of nane availl. And the ſaids perſons to be puniſhed in their bodies, goods and geare, with all rigour, conforme to the Lawes of this Realme.

AND to the effect the ſaids unlawfull meetings with all others tumults, turbulances and pleyes that ſhall happen to fall out within the ſaids Burrowes, may be ſubſtantiouſlie ſuppreſſed, Ordeins the haill inhabitants of the ſaids Burrowes, at all occaſions to readilie aſſiſt and concur with the Magiſtrats and Officiars thereof, for ſetling of the ſaids tumults and turbulances, and puniſhing of the ſaids authors and movers thereof. And ſik as ſhall not concur and aſſiſt with the ſaids Magiſtrats readilie, or their Officiars, for redding and ſetling of the ſaids tumults and turbulances, as ſaid is, ſhall be reput and halden as foſterers and mainteiners of the ſaids tumults, and puniſhed therefore in their perſons, and unlawed in their goods at the arbitriment of the Magiſtrats and Councell of the ſaid burgh, and ordeins publication to be made hereof at the market Croſſes of the ſaids Burrowes, that nane pretend ignorance thereof.

18. *Diſſolution of Huntingtour and Strathbrane.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament preſentlie conveined, conſiddering that the ſetting of the lands of the annexed propertie in Few-ferme, for payment of the auld rentall, with augmentation, is greatlie to his Majeſties benefite and profite, his Heighnes rentall thereby, being made ſure, unchangable, unalterable, and nowyſe hable to be diſponed and annalied. Hes therefore diſſolved, and by the tennor of this preſent act of Parliament, diſſolves from the act of annexation of the lands of the Earledome of *Gowrie*, and Lordſhip of *Huntingtour*, alias, *Ruthven*, the haill lands perteining or belanging to the ſaid Earledome of *Gowrie* and Lordſhip of *Ruthven*, and in ſpeciall the Lands and Lordſhip of *Huntingtour*, and the lands of *Strathbrane;* and that to the effect that the ſamine haill lands (except ſik as are hereafter particularlie enumerated) may be in Few-ferme laten and heritablie diſponed, for payment of the auld duety with augmentation of the rentall. And that the ſaid act be extended in ample forme with all clauſes needfull.

IT Is alwyſe declared, that the lands underwritten, they are to ſay, The lands of *Cow-gask*, with the teynd-ſheives thereof, with mylnes, moulters, woods, fiſhings, pairts, pendickles and pertinents of the ſamine. The lands of *Peill*, *Lethame*, *Eaſter-Heichame*, *Gudliburne*, hoill of *Huntingtour*, the lands of *Halieland*, few and *Weſter-Heichame*, with the pertinents of the ſamine, being all of the ſaid Lordſhip of *Huntingtour*, ſhall be diſſolved. To the effect the ſamine may be ſet in blanch-ferme (for payment of ane pennie) to *John* Earle of *Montroſe*, &c. And that for many great, reaſonable and ſeene cauſes, mentioned in ane particular warrand made for diſſolution of the ſaids lands.

19. *Act of diſſolution of the Lowmonds.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conveined and halden within his Majeſties Realme of *Scotland*. Underſtanding that it is neceſſare that the haill lands lyand waſte

waſte of his Majeſties propertie, whereof his Majeſtie receaves na yearlie profite, be ſet in Few-ferme heritablie, to ſik perſons as will give maiſt therefore; for the augmentation of his Majeſties proper rent within this Realme. Hes with ane advyce and conſent by their decreit in Parliament, diſſolved, and by the tennor of this preſent act diſſolves from his Majeſties Crown and Patrimony of the ſamine, all and haill the hilles of the *Lowmonds* and Moores of *Falkland*, with the proper parts and pertinents thereof, annexed of before to his Heighnes Crown and patrimonie thereof, now and in all tyme hereafter, to remaine ſeparate and diſſolved from all former annexations thereof. To the effect the ſamine may be ſet in Few-ferme heritablie, in haill or in part, to ſik perſon or perſons as will give maiſt therefore, in augmentation of his Majeſties proper rent.

20. *Act anent* Salvo Jure Cujuſlibet.

FORSAMEIKLE as in this preſent Seſſion of Parliament, there are many Ratifications paſt, wherein divers and new clauſes are inſert, whilk may be prejudicial to particular parties rights and derogative to many and divers lawes, lawfullie made and eſtabliſhed of before. Albeit the meaning of the Eſtaites be at this tyme as it was ever in all preceiding Parliaments, that by na act of Ratification any other partie ſhould be hurt or prejudged. For remeid whereof, It is ſtatute and ordeined, that na Ratification paſt in this Seſſion of Parliament, ſhall be prejudiciall to any privat parties right, but that the ſaids Ratifications be alwyis underſtude whither the ſamine be general or ſpecial, to be *Salvo Jure cujuſlibet*.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTS and others, paſt in the xviij. Parliament, haldin at Perth, *the ninth day of Julie*, 1606. *not imprinted.*

1 ANENT *the keeping of the Kings houſes.*
2 *Act anent the Taxation and collecting thereof.*
3 *Act anent the granting of the Taxation.*
4 *Ratification to the Earle of* Dumbar *of the Earledome of* Dumbar *and other lands.*
5 *An acquitance and diſcharge to the* Earle *of* Dumbar *of the Kings Jewels and garderob.*
6 *Act anent the Chappel-Royall, and exceptions therefra.*
7 *Commiſſion anent the erections.*
8 *Act in favours of the Tenants of* Caſche.
9 Act *in favours of the Archbiſhop of* Sanct-Androes *in ſatisfaction for* Monimail.
10 Act *anent the erection of the Kirk of* Leith *be north the bridge in a Paroch Kirk.*
11 Act *anent the diſmembring of certaine Towns from the Kirk of* Ellem, *and incorporating the ſame to the Kirk of* Slanes.
12 *Erection of the Kirk of* Preſton.
13 *Erection of the Kirk of* Portincraig.
14 Act *in favour of the Burgh of* Edinburgh.
15 Act *in favour of the Burgh of* Perth.
16 Act *in favour of the Burgh of* Dondie.
17 Act *in favour of the Burgh of* Aberdein.
18 *Ane other in favour thereof.*
19 Act *in favour of the Burgh of* Irving.
20 Act *in favour of the Burgh of* Bamf.
21 *Ratification of the Kirk of* Nether-Airlie *to Sir* Thomas Lyon *of* Auldbar K.
22 Act *in favour of* Williame *Commendator of* Tungland.
23 Act *in favour of Maiſter* John Preſton *of* Pennicuke, *Collector generall.*
24 Act *in favour of* James Hay *of* Fingask.
25 Act *in favour of* Patrik Kinnard *of that Ilk.*
26 Act *in favour of M.* Alexander Hay *anent the lands of* Dron, &c.
27 Act *in favour of* Marjorie Marjoribanks *the Relict of* John Durie Miniſter.
28 *Ratification in favour of the Marqueis of* Hammilton *and Marqueis of* Huntlie *of their dignitie.*

29 Rat.

29 *Ratification to the* Earle *of* Angus *and his ſonne of their infeſtment.*
30 *Act in favour of the* Earle *of* Caithnes.
31 *Ratification in favour of the Lord* Lyndeſay.
32 *Act in favour of Sir* John Moncreif.
33 *Ratification in favour of* William Learmonth *of the* Hill.
34 *Act in favour of the Biſhop and Town of* Dunkeld.
35 *Ratification of the Schoole of* Dunkeld.
36 *Act in favour of the Captaine and keepers of the Caſtell of* Dumbartane.
37 *Act in favour of* George *and Maiſter* Peter Hayes.
38 *Ratification to the young Laird of* Calderwod *of ane tack of teynds.*
39 *Ratification to* Bernard Lyndeſay *of the Kings wark in* Leith.
40 *Ratification to Sir* Alexander Straton *of* Lowrenſton *of his penſion.*
41 *Ratification in favours of the Laird of* Balmaghie.
42 *Act in favour of the Laird of* Burlie.
43 *Act in favour of the* Earle *of* Erroll *anent Blanks.*
44 *Act in favour of the Maiſter of* Murray *of* Tullibardin.
45 *Ratification in favour of Sir* John Arnot *anent certaine tunnes of Wyne.*
46 *Ratification to the ſaid Sir* John *of his infeftment of the lands of* Orknay.
47 *Ratification to the Laird of* Moncreif *of his penſion.*
48 *Ratification to Maiſter* John Drummond *of his office of Clerkſhip.*
49 *Certaine and divers acts anent the erections.*
50 *Act in favours of Maiſter* Archibald Moncreif *of his penſion.*
51 *Forfaultour of* Grahame *of* Reidkirk.
52 *Annexation of the parſonage of* Glaſgow *to the Biſhoprick thereof.*
53 *Ratification to the Biſhop of* Galloway *of the Pryorie of* Whithorne.
54 *Diſſolution of* Elcho.
55 *Ratification of the Kirk of* Borthwick.
56 *Ratification to the* Earle *of* Linlithgow.
57 *Ratification of the Barronnie of* Segie *to the Lord of* Scoone.
58 *Ratification to the Lord of* Abercorne.
59 *Ratification to the Lord* Ochiltrie.
60 *Ratification to the Lord Chancellar.*
61 *Ratification to the Lord Secretar.*
62 *Ratification to the Lord* Roxburgh.
63 *Ratification to the Lairds of* Balvaird *and* Creich.
64 *Ratification to* James Maxwell *and* Robert Dowglas.
65 *Ratification to* Karnagie *of* Kynard.
66 *Ratification in favours of the Laird of* Balnagoun.
67 *Ratification in favours of the Laird of* Barganie.
68 *Ratification to* George Bruce *of* Carnock.
69 *Ratification of the Lord of* Scoone *his penſion.*
70 *Ratification of the Laird of* Kilſyth.
71 *Act anent the deſerting of Sir* David Woods *ſummonds.*

FINIS.

THE NEINTENTH PARLIAMENT

Of the

Moſt Excellent and Mightie King and Monarch, JAMES by the Grace of GOD, King of great Britane, France *and* Ireland, *defender of the Faith, &c. Halden at* Edinburgh, *the elleventh day of Auguſt*, 1607. *by* LODOVICK *Duke of* Lennox, *&c. by vertue of his Majeſties Commiſſion granted to him, under the great Seale of this Realme at* Theobalds, *the thrid day of Julie* 1607. *with the advyce of the Eſtaites of this Realme.*

1. *Anent Sayers and wilfull hearers of Meſſes.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratifies, approves and confirmes the twa acts of Parliament made by his Heighnes, with conſent of the Eſtaites of this Realme. The ane thereof made in his Heighnes twelfth Parliament 120. Act, againſt the ſayers of Meſſe, Jeſuites, Seminarie Prieſts, trafficking Papiſts and reſetters of any of them. And the other act made in his Heighnes fourtene Parliament in the 193. Act, againſt wilfull hearers of Meſſe, in the haill heads, articles and clauſes thereof. And decernes and ordeins the ſamine twa acts to have effect, and to be put to execution againſt the contraveiners thereof in all tyme comming; with this addition, that all wilfull reſetters of excommunicat Papiſts, and wha are at the Horne for that ſamine cauſe, after that publication be made by the Miniſter, the tyme of the preaching or prayers at the Paroch Kirk, where the reſetters of the ſaids Papiſts ſhall dwell for the tyme. Shall pay to OUR ſaid SOVERAIGNE LORD, and to his Heighnes Theſaurer, the penalties conteined in the act of Parliament, made anent non communicants. That is to ſay, Every Earle as he ſhall contravein the premiſſes, ane thouſand pounds. Every Lord, ane thouſand markes. Every Barron, five hundreth pounds. Every Free-halder, three hundreth markes. Every Yeoman, fourtie pounds. And to every Burges according to the modification of the Kings Majeſtie and Lords of Secret Councell. Whilks paines, ordeins OUR SOVERAIGNE LORDS Theſaurer to intromet there-with, and exact the ſamine to his Heighnes uſe.

2. *Anent weights and meaſures.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, having conſideration of the great hurt and ſkaith that his Heighnes Leiges hes ſuſteined and daily ſuſteins, by the great diverſitie and diſconformitie of the weghts, metts and meaſures within this Realme. Notwithſtanding of divers and ſundrie acts of Parliament made in the contrare, by his Heighnes moſt worthie Progenitours, and by his Majeſties ſelfe, in the Parliament halden at *Edinburgh* the 29 day of Julie, ane thouſand, five hundreth, foureſcore ſeaven. And that the negligence of the putting of the acts of Parliament to due execution, is greateſt occaſion thereof.

IT Is therefore ſtatute and ordained, that all Schireſs, Stewarts of Royalties and Regalities, Proveſt, Baillies and Aldermen of Burrowes, ilk ane of them within their awne bounds and juriſdiction, put the ſaids acts of Parliament anent weghts, metts and meaſures to due execution, betwixt the date hereof and the firſt day of Januar next to come, under all heigheſt paine. Where-throw that there may be ane univerſall conformitie of weghts, metts and meaſures throughout the haill Realme. With power alſo to the foreſaids Judges to take tryel of falſe metts, weghts and meaſures. And the uſers of the ſaids falſe weghts and meaſures to amit and tyne their haill goods and gear, and the ſamine to be intrometted with to OUR SOVERAIGNE LORDS uſe.

3. *Anent deſtroyers of Parks, Wods, Plantings, Dowcats, Bees, Lochs and Stankes.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſiddering how Woods, Parks and all ſort of Planting and haning decayes within this Realme; and how Dowcats are broken, Bees ſtollen, mens proper Lochs and Stankes herried, to the great hurt and prejudice of the Countrie and decay of Policie. Therefore, Ratifies and approves all acts of Parliament made of before, for conſervation of planting and policie; and againſt breakers of Dowcats, ſtealing of Bees, and of fiſhes forth of mens Stanks and

and proper Lochs, in the haill poynts, articles and clauſes thereof. And ordeins the ſamine to be put to execution againſt the contraveiners thereof. And farther, the Eſtaites foreſaids, ſtatutes and ordeines, that whaſoever ſhall be found hereafter to break down his neighbours woods and park-dykes, fenſes, ſtankes or cloſours, to paſtour within the ſaids fenſes, cut trees, broome, or sheare graſſe within the ſamine, or yet breaks Dowcats, ſteals Bees and Fiſhes in proper ſtankes and lochs, ſhall be conveined and called therefore as ane breaker of the Law; either before the privie Councell, or any other ordinare Magiſtrat within this Realme, at the option of the partie compleiner; and the penaltie to be impoſed and taken of the contraveiners, before the ſaids ordinare inferiour Judges, not to exceed the ſumme of fourtie punds money of this Realme. And the Secret Councell to impoſe ſik penalties againſt the contraveiners of this preſent act, as after tryell taken in the cauſe, they ſhall finde the offence to merite and deſerve. But prejudice alwyſe of putting of all former Acts of Parliament made thereanent to execution, after the tennour thereof in all poynts; to the whilk this preſent act ſhall make na derogation.

4. *Anent Crafts-men.*

OUR SOVERAIGNE LORD, and Eſtaites of this Parliament, Ratifies, approves and confirmes the Act of Parliament made by King JAMES the Fifth of worthie memorie, Intituled, Act anent the conduction of Crafts-men, whilk is the hundreth and elleventh Act, in the haill poynts, Articles and Clauſes thereof. And ordeins the ſamin to have effect, and be put to execution in tyme comming after the tennour thereof. Notwithſtanding whatſomever act or ſtatute made in the contrare thereof ſenſyne.

5. *Ratification in favours of the Burrowes.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratifies, approves and confirmes all and whatſomever acts of Parliament and Lawes, made in favours of the free Burrowes of this Realme, at any tyme of before; with all auncient liberties, priviledges and immunities granted to them by OUR ſaid SOVERAIGNE LORD, or by any of his Heighnes Predeceſſours at any tyme by-gane.

6. *Act againſt unfreemen.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratifies, approves and confirmes all Acts, Lawes, Decreits and Priviledges granted or given in favours of his Heighnes free Royall Burrows. And conſidering the great hurt and ſkaith, daily ſuſtained by the Burgeſſes inhabitants of his Majeſties Royall Burrowes, wha underlyes and beares all burdings impoſed upon the Eſtaite of Burrowes, in all his Majeſties ſervices, throw the continuall entereſſe of unfree traffikers, dwelling in divers parts of this Realme, not being Burgeſſes of the ſaids Royall Burrowes. And nevertheleſſe, keepes and halds open buiths, buyes and ſelles Marchandice, and otherwyſe uſes the liberties and priviledges of free Burgeſſes, as if they were Burgeſſes and actuall reſidents within the ſaids Royall Burrowes, in manifeſt defraud of OUR SOVERAIGNE LORDS Cuſtomes, and to the prejudice of the liberties of the ſaids free Royall Burrowes. And therefore, ſtatutes and ordeins, that all unfree perſons not being actuall Burgeſſes of the ſaids free Royall Burrowes, wha beares not burding and payes not taxt and ſtent to his Majeſtie, ſhall deſiſt and ceaſe from uſing of any Trade of Marchandice, or of the Liberties and Priviledges foreſaids of the ſaids free Royall Burrowes, under the paines conteined in the Acts of Parliament, made anent unfree traffickers of before. And that letters of horning be direct hereupon charging whatſomever unfreemen, and uſurpers of the Priviledge of the ſaids Burrowes, to finde ſufficient caution for obedience of this Act. And als that letters of Horning be direct upon all Acts and Decreits of Burrowes, given at their conventions betwix Burgh and Burgh, and Burgeſſes of free-Burrowes, upon ane ſimple charge of ten dayes without calling of the partie.

7. *Anent the Stain-heven within the Meirnes.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratifies and approves the Act made of before in his Heighnes Parliament halden at *Edinburgh*, the xv. day of November, 1600. yeares, whereof the tennour followes. OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, underſtanding the great prejudice ſuſteined by the Leiges of this Realme, where the Judgment ſeats of Schirefs and others Judges are not ſa commodious, neither in building nor ſituation, as the Schiref, other Judges and their deputes may convenientlie ſit, nor the parties may reſort thereto. And ſpeciallie that the Schiref of the *Meirnes*, alias, *Kincardin*, and his deputes have bene in uſe thir many yeares to ſit at *Kincardin*, where there is neither ane Tolbuith nor any houſe to parties to ludge into for their entertainment. Nor yet is the place in the midſt of the Shyre, whereby the Leiges of the ſaid Schirefdome are greatlie damnified. For remeid whereof, IT Is ſtatute and ordeined, that the Schiref of the Schirefdome

dome of *Kincardin* in all tyme to come, ſhall ſit and hald their Courts at *Stain-hyve*, as place maiſt meet and convenient to them and to the haill Leiges within the ſaid Shyre. And that all precepts to be direct ſhall be to warne all the parties within their juriſdiction, to compeir to perſew and defend in their Courts at the ſaid Burgh of *Stain-hyve* in all tyme hereafter.

AND Farther, his Majeſtie and Eſtaites foreſaids, decernes, ſtatutes and ordeins the ſaid Burgh of *Stain-hyve*, and market croſſe thereof, to be in all tyme comming the head Burgh of the ſaid Schirefdome of *Kincardin*, and the market croſſe thereof to be the place at the whilk all citations, charges, denunciations of hornings and others whatſomever, compryſings, by vertue of whatſomever decreits, publications of inhibitions, interdictions, and of all other charges and executions whatſomever whilks properlie belangs and apperteins to be done, uſed and execute at the market Croſſes of the head Burghs of any Schirefdomes within this Realme, to be uſed and done within the ſaid Schirefdome of the *Meirnes*, alias, *Kincardin*, ſhall be uſed and execute in all tyme comming. And declares all ciations, denuncitations, publications, compryſings, and others executions of the lyke nature, to be uſed at any other place within the ſaid Schirefdome of the *Meirnes*, nor at the ſaid market Croſſe of *Stain-hyve*, to be null and of nane availl, force nor effect in all tyme comming.

8. *Act anent the Chapter of* Sanct-Androes.

FORSAMEIKLE As the conventuall Brethren and Channons of the Monaſtrie of *Sanct-Androes* were the auncient Chapter and Counſaill of the Arch-biſhop thereof, wha now are decaying, and few of them being on lyve. Lyke as the Pryorie and frutes thereof are to be erected in ane Temporall Lordſhip, and neceſſare it is that the ſaid Arch-biſhop ſhall have ane conſtant Chapter, according to the auncient Policie of the Kirk, and Foundamentall Lawes of this Kingdome. Therefore OUR SOVERAIGNE LORD, with the advyce of the Eſtaites of this preſent Parliament, Gives, grants and commits full power and commiſſion to *George* Arch-biſhop of *Sanct-Androes*, to elect and nominat ſeaven qualified perſons of the Cletgie at the leaſt, dwelling and having charge and adminiſtration within his Diocie, to be the perpetuall convent, Counſaill and Chapter of the ſaid Arch-biſhoprick in all tyme comming; and after the deceaſe or removing of any ane or mae of them from their preſent place, the intrant ſucceeding to the ſaid charge or place, to ſucceed alſo in that rowme of the Chapter or convent, and yet nevertheles reſerves to the ſaid Arch-biſhop and his Succeſſours their auncient Priviledge. To witt, that the common Seall of the ſaid Chapter to be made of new by their awn advyce, ſhall ſerve for their conſents without their ſubſcriptions. Attour, it is founden and decerned, that the preſent common Seall of the ſaid Chapter being appended to the evidents and rights alreadie made and granted by the ſaid Arch-biſhop', hes bene and ſhall be in all tyme comming ane ſufficient and perfite conſent of the Chapter, and als effectuall for ſecuring of the Vaſſels and Tenents receavers of the ſaids rights, as the ſamine hes bene in any tyme of before; and ſa to indure in force for conſent of the ſaid Chapter, ay and whill the election of the ſaid Chapter, and making of the ſaid new common Seall.

9. Act Salvo Jure Cujuſlibet.

THE Kings Majeſtie and Eſtaites of this preſent Parliament, decernes and declares, that the Ratification of any particular Rights, Infeftments, Tacks, Penſions or others writs and evidents, granted to whatſomever Perſons in this preſent Parliament, ſhall nawyſe prejudge, hurt, nor derogate to the particular Rights of other parties, notwithſtanding they be not ratified nor confirmed at this tyme by his Heighnes and his ſaids Eſtaites.

FINIS.

ANE

ANE TABLE

Of the

PARTICULAR ACTES and others, paſt in the xix. Parliament, halden at Edinburgh, the elleventh day of Auguſt, 1607. not imprinted.

1 ACT Of ratification of the Queenes infeftment of Dumfermling.
2 Act anent the Union of the twa Realmes.
3 Act anent the Miniſters ſtipends, and the Kings Blanches in Erections.
4 Act anent the Chapter of Sanct-Androes.
5 Act of the annexation of the Kirk of Megle to the Biſhoprick of Dunkeld.
6 Act anent the Bridge of Crawmond.
7 Commiſſion anent Grammer Schooles.
8 Act in favours of the Earle of Murray.
9 Act in favours of the Earle of Argyle for xx. chal. forth of Kintyre.
10 Act anent the erection of Kelſo in favours of the Lord of Roxburgh.
11 Act in favour of the Earle of Erroll.
12 Ratification in favours of the Lord Salton.
13 Ratification in favour of Sir William Seyton and his Sonnes.
14 Ratification of the Lord Advocats infeftment of Binning.
15 Ratification to the Laird of Ormeſton Juſtice Clerk to his infeftment.
16 Erection of Bevdie in favour of James Hay.
17 Ratification to the Laird of Balvaird and his infeftment.
18 Act in favour of John Murray of the Kirk of Annand.
19 Ratification to the Laird of Balcarhouſe of his infeftment.
20 Ratification to the Conſtable of Dondie of his infeftment.
21 Act in favour of Maiſter James Durhame of ane hie-gate.
22 Act in favour of Maiſter Alexander Craig of his penſion.
23 Act in favour of John Strang of his infeftment of Kilrinnie.
24 Act in favour of Thomas Perſon of his infeftment in Arbroth.
25 Act in favour of the Laird of Ruthvens.
26 Act in favour of the Earle of Orknay.
27 Act in favour of the Univerſitie of Sanct-Androes.
28 Act in favour of Maiſter George Young and James Primroſe of their penſions.
29 Act in favour of James Hammilton Servitor to the Advocat.
30 Act in favour of Adam Cowper of his infeftment of Gogar.
31 Act in favour of the Clerk of Regiſter for imprinting of the Lawes of Regiam Majeſtatem and others Lawes.
32 Act in favour of the Towne of Dumbartane.
33 Act in favour of the Towne of Craill anent their market.
34 Ratification of the Priviledge of the Lords of Counſaill and Seſſion.

FINIS.

THE

THE XX. PARLIAMENT

Of the

Moſt Excellent and Michtie King and Monarch, JAMES By the grace of GOD, King of Great Britane, France *and* Ireland, *Defender of the Faith, &c. Halden at* Edinburgh, *the twentie fourth day of June*, 1609. *By ane Potent Lord, GEORGE Earle* Marſchell, *Lord* Keith *and* Altrie, *&c. Be vertue of his Majeſties Commiſſion graunted to him, under the great Seale of this Realme, with advyce of the Eſtaites of this Kingdome.*

1. *Act anent Chuſing of Pedagogues to Children paſſing forth of* Scotland *to Schooles.*

FORSAMEIKLE AS OUR SOVERAIGNE LORD and Eſtaites of this preſent Parliament, Conſidering that ane of the great cauſes whilk hes procured the grouth and increaſe of Papiſts within this Kingdome, hes proceeded from the ſmall care and regarde that hes bene had of the education and upbringing of the youth, wha being ſent forth of the Realme to places of contrarie profeſſion, and not being firſt well grounded in Religion, and accompanied with Pedagogues ſcarce well affected to Religion, they doe oft returne back ſo poſſeſt with ſuperſtition and hereticall errors, as they may be juſtlie ſuſpected for dangerous ſubjects in the Eſtaite. For preventing of whilk grouth and increaſe of defection from the true faith by the occaſion foreſaid, OUR SAID SOVERAIGNE LORD and Eſtaites foreſaids, Ordeines that all ſik Noble-men and others wha hereafter ſhall direct any Pedagogues with their Sones out of the Countrie, ſhall be halden by vertue of this preſent Act, to have ane ſufficient Teſtimoniall of the Biſhop of the Diocie where the ſaid Pedagogue for the maiſt part latelie before made his reſidence: Teſtifying and approving the ſaid Pedagoge to be godlie and of good Religion, learned and inſtructed in the ſame. And if any Noble-man or other ſhall happen to ſend any Pedagogue with their Sones out of the Countrie without the Teſtimoniall and approbation of the Biſhop in manner above-written. In that caſe OUR SAID SOVERAIGNE LORD and Eſtaites foreſaids, declares, ſtatutes and ordeines that every ſik Noble-man and others according to their ſeverall degrees and rankes ſhall incurre the paines particularlie under-written. *Viz.* Every Earle, five thouſand pounds. Every Lord, five thouſand markes. Every Barron, three thouſand markes; whilks ſummes ſhall be intrometted with and uplifted of them by his Majeſties Theſaurer and his Depute to his Heighnes uſe. Provyding in-caſe it ſhall happen the Biſhop of that Diocie to refuſe to grant Teſtimoniall to the Pedagogue upon the premiſſes, the ſaid Biſhop thereafter being Lawfullie ſummoned to compeare before the Lords of his Heighnes Secret Councell to anſwere to that complaint, and ſhaw not a reaſonable cauſe of that his refuſall. Then in that caſe, it ſhall be lawfull to the Lords of Secreet Councell to give their Teſtimoniall to the foreſaid Pedagogue to the effect above-written.

2. *Act againſt Children that becomes Papiſts when they are out of* Scotland.

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ordeines the Noblemen, Barrons and others to have a ſpeciall care, and to give ordour and direction that the remaining of their Sones forth of the Countrie; ſhall be in places where Religion is profeſſed, or at the leaſt where there is na reſtraint of the ſame by the crueltie of Inquiſition: and that during the tyme of their abſence they ſhall not haunt any Idolatrous exerciſe of Religion. And that ſik perſons as hes not the moyen to intertaine with their Sones ane Pedagogue, ſhall ſend them to ſik places where Religion is profeſſed. And in-caſe their Sones after their departure out of the Countrie ſhall haunt the exerciſes of contrarie Religion, OUR SAID SOVERAIGNE LORD and Eſtaites foreſaids, ordeins that their parents, or ſik others as hes the charge of them ſhall be ſtraited to finde caution, acted in the buikes of Secreet Councell, under ſik paines as ſhall be modified, that they ſhall not ſupplie, intertaine nor furniſhe them with any thing neceſſare or comfortable unto them after that it be knawn that their Sones are become Papiſts and haunts Idolatrie, contrarie to the Religion preſentlie profeſſed within *Scotland*, except their reſonable expenſes in recalling and bringing them to this Realme of *Scotland*.

3. *Act anent excommunicat Perſons not to enjoy their lands, rowmes and poſſeſſions.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſidering that whereas there is divers perſons wha are Excommunicat for not conforming themſelves to the true Religion preſentlie profeſſed, and doe notwithſtanding ſtill enjoy the poſſeſſions of their lands, rents and livings, either directlie in their awne perſons, or covertlie in the perſons of their friends and wel-willers to their uſe and behove, to the incouraging of them to perſiſt in their pernitious and erronious opinions, and to the fruſtrating of the execution of the acts and conſtitutions made againſt excommunicats heretofore. Therefore OUR ſaid SOVERAIGNE LORD, and Eſtaites foreſaids, declares, ſtatutes and ordeins, that na perſons whatſoever, wha are alreadie or hereafter ſhall happen to be Excommunicat for not conforming themſelves to the Religion preſentlie profeſſed within this Kingdome, ſhall be ſuffered either directlie in their awne perſons, or covertlie and indirectlie by any others in their names and to their behove, to injoy the poſſeſſion of their lands, rents and revenues; but that the ſame ſhall be medled with, intrometted with and uplifted to his Majeſties uſe.

4. *Act giving command to Biſhops to ſend the names of excommunicat perſons to the Theſaurer and to the Director of the Chancellarie.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſiddering that to the effect every mans affection and diſpoſition in his Religion may be clearlie and ſufficientlie knawne. Therefore OUR ſaid SOVERAIGNE LORD, and Eſtaites foreſaids, ſtatutes and ordeines that every Archbiſhop and Biſhop within the bounds of his awne Diocie ſhall anes everie yeare give up to the Theſaurer, Comptroller, Collector and their deputes, and to the Director of OUR SOVERAIGNE LORDS Chancellarie, ane Roll ſubſcryved with his hand conteining the names of all ſik perſons within his Diocie wha ar excommunicat for Religion. And ordeins the ſaid Theſaurer and his deputes, that they receave na reſignations, nor grant confirmations nor inteſtments to nor in favours of any of the perſons whais names ſhall be conteined in the ſaid Roll. And that the Director of the Chancellarie & his deputes give out na Brieves, receave na Retours, nor direct na precept upon retours, nor upon compriſings in favours of any of the ſaids perſons whais names ſhall be inſert in the ſaid Roll at na tyme thereafter, whill the ſaid perſon or perſons produce unto the ſaid Theſaurer, Comptroller, Director of the Chancellarie and their deputes a ſufficient Teſtimoniall ſubſcrived by the ſaid Archbiſhop or Biſhop, teſtifying their relaxation from the ſaid excommunication & their obedience and ſatisfaction to the Kirk, as the ſaid Theſaurer, Director of the Chancellarie and their deputes will be anſwerable to his Majeſtie upon the duetie of their office. And lykwyſe OUR SAID SOVERAIGNE LORD, and Eſtaites foreſaids, declares thar it ſhall be lawfull to all Lords of Regalities, and to all Superiours whatſomever within this Kingdome, to refuſe Breives and precepts of *Clare conſtat* in favours of any perſon or perſons, whais names ſhall be inſert in the ſaid Roll. As alſo to refuſe the entrie of Tenents upon compryſing, whais names are inſert in the ſamin Roll.

5. *Act againſt Jeſuites, Seminarie Preiſts, ſayers or hearers of Meſſe, Papiſts, and reſetters of them.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, conſidering the impunitie of Jeſuites, Seminarie Preiſts and others Papiſts, adverſaries to the true Religion profeſſed in this Realme, and their reſetters in tymes bygane, hes bene the cauſe as well of their increaſe as of their inſolence in all the parts of this Realme. And that the ſame hes proceeded partlie upon the negligent execution of the Actes of Parliament made againſt the ſaids Papiſts, Jeſuites, and Seminarie Preiſts and their reſetters, and partlie upon ſome obſcuritie of words in the ſaids Acts. Therefore, OUR ſaid SOVERAIGNE LORD, and Eſtaites foreſaids maiſt willing to have the ſaids Acts put to due execution in all poynts, and Papiſtrie and ſuperſtition utterlie ſuppreſſed according to the intention of the ſame, hes ratified, approved and confirmed, and by the tennour of this preſent Act Ratifies, approves and confirmes all and whatſomever Acts of Parliament, either made in his Heighnes minoritie and leſſe age, or elſe ſince his acceptation of the governement in his awne perſon, againſt Jeſuites, Seminarie Preiſts, Papiſts, ſayers and hearers of Meſſe, and reſetters of the ſaids perſons or any of them; And decernes and ordeins the ſamine to have full ſtrength, force and effect, and to be put to due execution in all tyme comming, with theſe explanations after following. That the ſaids acts made againſt hearers and ſayers of Meſſe ſhall be put to due execution, and be extended to all hearers and ſayers of Meſſe, without any exception or reſtriction. As likewyſe that all acts made of before againſt the reſetters of the ſaids perſons have their full force, ſtrength and effect, and be put to due execution againſt the ſaids reſetters; after lawfull intimation and denunciation be made of the ſaids perſons. Whilk denunciation and intimation his Heighnes and the Eſtaites foreſaids declares to be ſufficient to cauſe the ſaids reſetters of the ſaids Papiſts, Jeſuits, Seminarie Preiſts, and others conteined in the ſaids acts, incurre the paines therein conteined, if the ſame be made at the head burgh of the ſhyre where the ſaids perſons remaines, and at the market croſſe of *Edinburgh*, without any farther intimation to be made there-anent. After the whilk denun-

denunciation and intimation to be made, as said is, OUR said SOVERAIGNE LORD, and Estaites foresaids, declares that whasoever thereafter shall wittinglie and willinglie reset any of the saids persons, either privatlie or publictlie, that the saids resetters shall incurre the paines conteined in the saids Acts, they being lawfullie convict thereof. And that the act made in his Heighnes first Parliament, bearing that none that professe not the true Religion presentlie professed within this Realme may be Judge, Procuratour or member of court, be extended to all and whatsomever offices, without any exception or restriction in all time comming. And for the better execution of the saids acts, OUR said SOVERAIGNE LORD, and Estaites foresaids, commands and ordeins all Archbishops, Bishops & Presbytries to call before them the saids Papists, Jesuites, Seminarie Priests and their resetters, every ane within their awn bounds; and to take tryell and cognition if they have contraveined the saids acts or any part thereof. And according as they finde after due tryell and probation, that they report the same to his Heighnes Advocat and Secret Councell; to the effect they may be called and conveined before them, and punished according to the saids acts in all poynts.

All Iudges members of Court and Officiars whatsomever should professe the Religion.

6. *Act of the Commissariates and jurisdiction given to Archbishops and Bishops.*

OUR SOVERAIGNE LORD, Understanding that in all well governed Republicks, the jurisdiction Civill and Ecclesiastick are severall, distinct and divers jurisdictions, whilk aught to be administrat by the persons to whom the same properlie belangs; and according to his Heighnes most loving and princelie affection borne alwyse to the Christian Reformed Kirk within this Realme, being maist willing that the said Kirk should bruike and joyse their liberties, priviledges, fredome and jurisdiction granted to them by his Majestie (from whom onely their temporall jurisdiction doth flow) and in that regarde belanging to them as being ane of the Estaites of Parliament maist necessare to be mainteined for giving of their advyce, Counsell and assistance in all his Majesties great and waightie affaires, hes with expresse advyce and consent of the Estaites of Parliament, restored and redintegrate the Archbishops and Bishops of this Realme to their former authoritie, dignitie, prerogative, priviledges and jurisdictions lawfullie pertaining, and shall be knawne to pertaine to them (alwyse flowing from his Majestie, alswell as any other ordinare jurisdiction doth) and speciallie to the jurisdiction of Commissariates, and administration of Justice by their commissioners and deputies in all Spirituall and Ecclesiasticall causes contraverted betwene any persons dwelling within the bounds and diocies of their prelacies and Bishopricks; With full power to the saids Archbishops, Bishops and their Successours in all tyme hereafter, to nominat and create sufficient, wise, discreit and learned men, best acquainted with the Law and practick of this Realme, to serve and administrat Justice in the saids places of Judicatorie, to constitute Clerks and all other under officers sa oft as the same shall vaik by dimission, decease, deprivation or otherwyse, and to provide others in their places, with as great freedome and libertie as any Archbishops or Bishops in this Realme formerlie hes done. Whilks Commissares to be nominat and creat by them, shall Judge and decyde in all causes belanging to their judicatorie. And wherein the Commissares presentlie in office are in use to decyde, keeping the same style and forme whilk is presentlie observed, and that manner of proceeding whilk shall be prescryved and injoyned to them by speciall injunctions without any alteration of the present Lawes, or introduction of new and uncouth practicks upon the subjects and leiges, and shall have power of confirmation of Testaments every ane of them within their awn bounds. The Quotes thereof to be payed to the Archbishops, Bishops, their Chamberlanes, Factors and under-receavers appoynted by them. For the better effectuating whereof, his Majestie and Estaites of Parliament, ordeins letters of Horning to be given and granted by the Lords of Session in that same very sort that the Commissares present hes it, for execution of all their sentences and decreits whilk shall happen to be pronounced by them, and compelling of persons to enter and confirme the Testaments of their defuncts in the very same maner that formerlie hes bene done. And for mainteining all things in better order, and the restraining of unlawfull Divorcements, over frequentlie practised within this Realme, to the heigh dishonour of God and slander of true Religion. His Majestie with advyce and consent foresaids hes statute and ordeined, that in the Burgh of *Edinburgh* there shall be resident alwyse foure Commissares, twa to be nominat and appoynted by the Archbishop of *Sanct-Andrews*, and twa by the Archbishop of *Glasgow*, wha shall have the onely power to decide in all causes of divorcement. As lykwyse shall have power of reduction of all decreits pronounced by any other Commissares, to the hurt and prejudice of any of the leiges; before whom it shall be onely lawfull to intend and persew reductions of inferiour Commissares their sentences and decreits *in prima instantia*. And in case the saids Commissares to be appoynted by the Archbishops of *Sanct-Andrews* and *Glasgow*, as said is, performe not their duetie, the Lords of Session shall have power to try, cognosce and determine in the same; and shall Judge upon all decreits and sentences alledged to be wrangouslie pronounced by them. And that becaus they are his Majesties great Consistorie, to whom his Heighnes with advyce of the saids Estaites, gives and grants ane heigh supreme Commission for all sik causes, to Judge and determine of them in sik causes. And declares that it shall be lawfull to the saids Lords of Councell and Session, to Advocat causes to themselves from any of the Commissares, upon just and lawfull complaints made to them by any of the subjects, and not otherwyse. Provyding alwyse, that the said Session shall ever be readie to give ane accompt to his Majestie, that their Advocations have bene grounded upon probable and lawfull grounds for the well of the subjects. And that this foresaid Act may be put in present effect, his Majestie with advyce foresaid, declares all former erections of Commissariates to be suppressed and extinct from this forth and for ever, all constitutions that

Deputies or Commissares.

Clerks and Officiars.

Confirmation of Testaments.

Quotes of Testaments.

Letters of Horning.

Divorcement.

Commissares in Edinburgh.

Reduction of decreits.

Advocation of Actions.

Discharge of former Commissariates.

that have bene in former tyme of the ſame in whatſoever part of the Realme the ſame hath bene erected, and by whatſoever manner the ſame hes proceeded, Act of Parliament, Secreet Councell, and others made there-anent. And in lyke manner, diſcharges and annulles all preſentations, gifts or diſpoſitions made by his Heighnes to the Commiſſares preſent, or to any other concerning the ſaid Commiſſariates, and all rights acquyred by them by deceaſe, dimiſſion, or howſoever the ſame hes vaicked, and all gifts and diſpoſitions made in favours of their Clerks and members of Court, by whatſomever manner of order the ſame hes proceeded. With this proviſion alwyſe, that the Commiſſares preſentlie in office, their Clerks and others members of Court, wha ſhall be authorized with teſtimoniall from the Lords of Seſſion of their ſufficiencie & qualification to their ſeverall places and offices, ſhall bruike and joyſe the ſame, they alwyſe receaving new preſentation and gift of their offices from the Archbiſhops and Biſhops of their Diocies where they ſerve, betwene and the firſt day of December next to come. Otherwiſe, if in caſe the ſaids Commiſſares and others members of Court do not produce the foreſaid Teſtimoniall from the Lords of Seſſion, as ſaid is, it ſhall be lawfull to the Archbiſhops and Biſhops to provide other ſufficient perſons to the ſaids places. The reſtitution of the ſaid juriſdiction alwyſe to be with expreſſe reſervation of his Heighnes and his Succeſſours their prerogatives and ſupremacie in all cauſes Eccleſiaſticall and Civill within this Realme. Provyding alwyſe that this preſent act ſhall na wyſe be hurtfull nor prejudiciall to the heritable right of the Commiſſariate within the bounds of *Argyle*, perteining to *Archbald* now Earle of *Argyle*, but the ſame to ſtand in the ſame force, ſtrength and effect as it was before this preſent act, and notwithſtanding thereof or any clauſe therein conteined *Prout de jure*.

Teſtimonials to be given.

The Kings prerogative.

Commiſſar of Argyle.

7. *Act anent the Commiſſioners and Juſtices of Peace.*

FORSAMEIKLE As among the infinite monuments and teſtimonies of his Majeſties true pietie, ſingulare wiſdome, ſinceare zeale to Juſtice and fatherlie care of his people, the Eſtaites of this Kingdome have not found any bringing mair deſerved commendation and permanent renoune to his Majeſtie, or greater profite, quyetneſſe and comfort to his ſubjects; nor his conſtant perſeverance in his maiſt Religious and prudent reſolution to extirpat the ungodlie, Barbarous and brutall cuſtome of deadlie feads, whilk by the inveterate abuſe of many bypaſt ages was become ſa frequent in this Realme, as the ſubjects of greateſt ranke and qualitie upon every naughtie occaſion of baſe and unworthie contraverſies of neighbourheed, for turves, fold-dykes, ſurres or marches of lands, fooliſh words or drunken diſcords betwene their meaneſt ſervants and dependers, and any other in the Countrie, did ſo readilie embrace the protection of their unjuſt and unneceſſarie quarrels, as did many tymes involve themſelves and their haill friendſhip in maiſt bloudie and mortall troubles, whilk they did proſecute with ſik malice and crueltie, as to the extreame perrell of their ſaules, infamie of their memoriall, and overthraw of their awne and their adverſaries houſes, did diſtract the Kingdome in oppoſite factions, and many tymes furniſhed matter of maiſt pernitious, ſeditious and Civill warres. The inconveniences whereof being manifeſtlie ſene and ſenſiblie felt, baith by the Princes & people of this Realme in many bypaſt ages and earneſtlie ſoght to have bene removed, yet the corruption was ſa univerſall, that the greateſt part prevailling againſt the beſt, that cruell Barbaritie hath both continuance and daily increaſe, untill his Majeſtie bending the excellent wiſdome and rare graces of his Royall minde (where-with God hes endewed him mair aboundantlie then any King that ever did raigne in this Iland) againſt that godles, unnaturall and beaſtlie Cuſtome, did deviſe and eſtabliſh a maiſt godlie, juſt and prudent Law and Ordinance for the courſe to be obſerved, for removing upon equitable and juſt conditions the deadlie feads, whilk then ſtude in great number betwene the maiſt powerfull ſubjects in this Kingdome and their kinſmen, aſſiſters and partakers: In the execution whereof, God having miraculouſlie aſſiſted his Majeſties maiſt hailie and juſt intention after exceeding great care and paines taine by his Majeſtie in tryall of the originall cauſes of the ſaids diſcords, the true circumſtances of the injuries and loſes ſuſtained by either partie, and in preſcryving due ſatisfaction to be indifferentlie made for redres of all bypaſt harmes and wrangs. His Majeſties admirable conſtancie hes ſa overcome all difficulties, that the haill knawne feeds within the Kingdome being now removed by perfite reconciliation, and juſt contentment of all parties having intereſt therein, his Majeſties haill ſubjects finds ſik joy and happines in the ſweet frutes of his wiſdome and providence expreſſed in that caſe; that they earneſtlie wiſh that his Majeſtie wha hes ſa cairfullie exterminate that abhominable peſt of deadlie feeds, may in his ſingulare wiſdome finde meanes for ever to prevene the reviving of that monſter. Wherein his Majeſtie conſidering that nothing gave ſa great grouth and ſtrength to that bypaſt Barbaritie, as the ſlouth of Magiſtrats in not ſuppreſſing the firſt ſeeds of theſe diſſentions, whilk being ſmall and weake in the beginning, for Peets, Turves, Devits, Fold-dykes, poynding, neighbourlie marches, injurious words or light brawles were then eaſilie to be ſetled, if diligence and authoritie had bene joyned for repreſſing thereof, whilk being neglected by theſe to whom it appertained; theſe light jarres and inſolences did very oft kindle ſik flames of diſorder, diſſention, rankor and feed, as in many yeares with great ſtreames of bloud, deſolation and ruine of great and auncient houſes and races could hardlie be quenched. For remeed whereof his Majeſtie and Eſtaites foreſaids, Ratifies and approves the former Act made by his Heighnes, for aboliſhing deadlie feedes in every head, clauſe and Artickle thereof. And farther, ſtatutes and ordeines, that in every Schyre within this Kingdome there ſhall be yearlie appoynted by his Majeſtie ſome godlie, wyſe and vertuous Gentlemen of good qualitie, moyen and report, making reſidence within the ſame, in ſik number as the bounds of the Shyre ſhall requyre, to be Commiſſioners for keeping his Majeſties peace, to whom his

Majeſtie with advyce of the Lords of his privie Councell ſhall give power and commiſſion to overſee, try and prevent all ſik occaſions as may breed trouble and violence amongſt his Majeſties ſubjects, or forceable contempt of his Majeſties authoritie and breach of his peace. And to command all perſons in whom they ſhall ſee manifeſt intention to make trouble or diſorder, either by gathering togeither of ydle and diſorderlie perſons, or by publict bearing or wearing of Piſtolets or other forbidden weapons, and ſik other ryotous and ſwaggring behaviour; to binde themſelves and finde caution under competent paines to obſerve his Majeſties peace, and for their compearance before his Majeſties Juſtice or Lords of his privie Councell, to underly ſik order as ſhall be found convenient for puniſhing their tranſgreſſions or ſtaying of troubles and enormities. And if need ſhall be, to requyre the duetifull and obedient ſubjects of the Shyre to concurre with them in preventing all ſik contempts and violences, or for taking or wairding of the wilfull and diſobedient authors, committers and foſterers of theſe crymes and diſorders under ſik competent arbitrare paines as his Majeſtie and Lords of his privie Councell ſhall appoynt for the offenders; and ſik of the Countrie as being requyred ſhall not give their readie and afald concurrance to his Majeſties Commiſſioners in the premiſſes, whereby the ordinare Magiſtrats and Officiares within the Shyres, may be the better aſſiſted, and their abſence, imployments or other impediments mair commodiouſlie ſupplied, without derogation of their juriſdiction or want of readie comfort and Juſtice to the obedient ſubjects within the bounds thereof. Ordeining alſo the ſaids Commiſſioners to give true advertiſement and information to the Lords of his Majeſties privie Councell, Juſtice generall and his deputes, his Majeſties Theſaurer and other Magiſtrats and officers whom it effeirs, of the names of ſik faithfull and unſuſpect witneſſes and aſſyſers to be ſummoned in all crymes and diſorders whilk ſhall happen to fall forth within the ſaids Shyres, as ſhall be knawn to be maiſt meet and able for tryell and probation of the ſame, and for eſchewing that ſik as are either aged, ſeiklie or unable to travell, or ignorant of the facts to be tryed, be not unjuſtlie vexed or unneceſſarlie drawne from their awne houſes and affaires, for matters wherein they are not able to give any light.

8. *Act of the apparel of Judges, Magiſtrats and Kirk-men.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, finding by daylie experience that the greatnes of his Majeſties Empyre, magnificence of his Court, fame of his Wiſdome and Juſtice, and of the civilitie of his ſubjects, hes alreadie begun to allure divers foraine Princes, and other ſtrangers of all Eſtaites to make mair frequent repair to this Countrie, nor ever they did in any preceeding age. Whilk reſort of ſtrangers will by all appearance baith continue, and daylie mair and mair increaſe; and by them na doubt, report will go through all the warld of the Eſtaite and governement of the Kingdome, according to the order whilk they ſhall ſee obſerved within the ſame. Whereof the rules and good exemple flowing from the Eſtaites of Parliament and Magiſtrates, to the haill remanent ſubjects of the Realme, it is maiſt neceſſare that ſik gravitie and comelines be uſed by the Lords and Commiſſioners of Parliament, and others Magiſtrats in their apparell and behaviour, as may beſt deſerve the good report and true commendation of all Princes, Noble-men and others ſtrangers, wha ſhall have occaſion to ſee and relate the ſame. The reſpect whereof, having induced his Majeſtie to preſcryve to the Nobilitie apparrell for the Parliament becoming their honourable Eſtaite. And underſtanding that the remanent members of that heigh Court have not reformed themſelves to the like convenience, neither yet that the courſe intended by his Majeſtie for diſcharging Noble-men and Gentle-men to be elected Proveſts and Magriſtrats of Burrowes (whereof nane ſhould be capable but Burgeſſes, actuall traffickers and inhabitants of the ſaid burrowes) hes tane ſik effect as is maiſt neceſſare for preſervation of the liberties and good eſtate of the ſaids Burrowes, and hindering the diſſipation of their common good and perverting of their priviledges. For remeed whereof, his Majeſtie with adviſe of the Eſtaites of his Heighnes Parliament, ſtatuts and ordains that na man ſhall in any time comming be capable of Proveſtrie or other Magiſtracie within any Burgh of this Realme, nor to be elected to any of the ſaids offices within a Burgh, but Marchants and actuall traffickers inhabiting within the ſaids Burghs allanerlie, and na others. And that the ſaids Magiſtrates of Burrowes to be hereafter elected, and their Commiſſioners of Parliament, ſhall have and weare at Parliament, Conventions and other ſolemne tymes and meetings when the dignitie ſhall requyre it, ſik comlie and decent apparell as his Majeſtie ſhall preſcyve convenient for their rank and eſtaite, whereby they may be diſcerned from other common Burgeſſes, and be mair reverenced by the people ſubject to their charge. And becauſe a comelie, decent and orderlie habite and apparrell in the Judges of the land, is not onely ane ornament to themſelves (being a badge and marke for diſtinguiſhing them from the vulgar ſort) but the ſame alſo breads in common people that reverence and regarde that is due and proper for men in theſe places. And this being a cuſtome univerſallie obſerved almaiſt through all Europe, the want whereof is greatlie cenſured by ſtrangers reſorting in theſe parts. The ſaids Eſtaites therefore upon infinite proves they have of his Majeſties maiſt ſingulare wiſdome in all his directions, & of his gratious love & affection to this his native Kingdome, have in all humilitie referred to his Heighnes awne appoyntment the aſſigning of any ſik ſeverall ſort of habite and veſtiment as ſhall be in his Majeſties Judgment maiſt meet and proper, as well for Lords of Seſſion being the ſupreme Judges in Civill actions, as for all other inferior Judges of the lyke cauſes. As alſo for the Criminall & Eccleſiaſticall Judges, & for Advocats, Lawyers & all others living by Law and practiſe thereof; that ſa every ane of theſe people may be knawn and dignoſced in their place, calling and function, & may be accordinglie regarded and reſpected. Attour, his Majeſtie & Eſtaites foreſaids, conſidering

The Eſtates in Parliament.

Magiſtrats within Burrowes.

Their apparell.

Apparell of Iudges is referred to the King.

Lords of the Seſſion.

Inferior Iudges.

Lawyers.

what

what ſlander and contempt hes arifen to the Eccleſiaſtical Eſtate of this Kingdome by the occaſion of the light and undecent apparell uſed by ſome of that profeſſion, and cheeflie theſe having vote in Parliament. It is therefore ſtatute that every Preacher of Gods word ſhall hereafter weare black, grave and comelie apparrell beſeeming men of their eſtate and profeſſion. As lykwyſe that all Pryors, Abbots and Prelats having vot in Parliament, and ſpeciallie Biſhops, ſhall weare grave and decent apparrell agreeable to their function, and as appertaines to men of their rank; dignitie and place. And becauſe the haill Eſtaites humblie and thankfullie acknawledges that GOD of his great mercy hes made the people and ſubjects of this Countrie ſa happie as to have a King raigne over us, wha is maiſt godlie, wyſe and religious; hating all erronious and vaine ſuperſtition, juſt in governement, and of lang experience therein, knawing better then any King living what apperteins and is convenient for every eſtate in their behaviour and duetie. Therefore it is agreed and conſented to by the ſaids Eſtaites, that what order ſa ever his Majeſtie in his great wiſdome ſhall thinke meet to preſcrive for the apparrell of Kirk-men agreable to their eſtate and moyen; the ſame being ſent in writ by his Majeſtie to his Clerk of Regiſter, ſhall be a ſufficient warrant to him for inſerting thereof in the Buikes of Parliament to have the ſtrength and effect of ane act thereof, with executorials of horning to be direct there-upon, againſt ſik perſons as within the ſpace of fourtie dayes after the publication or intimation to them of the ſaid act or charges uſed againſt them there-upon, ſhall not provyde themſelves of the apparrell to be appointed by his Majeſtie for men of their vocation and eſtate, to be uſed and worne by them and their ſucceſſors at the tymes, and in maner to be expreſſed in the ſaid act to be made by his Heighnes there-anent.

Miniſters.

Prelats.

Apparrel of Kirkmen refeared to the King.

9. *Act againſt ſkandalous ſpeeches and lybels.*

OUR SOVERAIGNE LORD foreſeing that there is nathing ſa neceſſare for the perpetual well and quyetneſſe of all his ſubjects of this Monarchie as the furtherance and accompliſhment of the union of his twa famous and maiſt auncient Kingdomes of *Scotland* and *England*, whereof his Majeſtie out of his fatherlie care of the peace and happines of his good and faithfull people, having maiſt inſtantlie and earneſtlie ſolicited the perfection, and by the aſſiſtance of the worthieſt members of baith Kingdomes, ſa effectually advanced the ſame, as he hopes (God willing) in his Reigne to ſee the wiſhed end of that great work, whilk in his royal perſon hes received ſa miraculous and happy a beginning: And nevertheles finding therein ſik malicious letts, as the devill and his ſuppoſts do uſually ſuggeſt, to the hindrance of all juſt and godlie interpryſes, ſpecially by the falſe and calumnious brutes, ſpeeches and writs, craftelie uttered and diſperſed by ſome lawles and ſaules people of this Realme, aſwell in privat conferences as in their meetings at tavernes, ail-houſes and playes, and by their paſquils, lybels, rymes, cockalans, comedies and ſiklyke occaſions wherby they ſlander, maligne and revile the people, eſtate and country of *England*, and divers his Majeſties honorable Counſellers, Magiſtrats and worthie ſubjects of that his Majeſties Kingdome. The continuance wherof being able to incenſe the people of *England* to juſt grief and miſcontentment, may not only hinder the intended union of all the good ſubjects of this Monarchie, but ſtir up in them ſik irreconciliable evill will, as with time might bring forth maiſt dangerous and harmfull effects. For remeed and preventing whereof, his Majeſtie remembring how ſtrait and ſevere puniſhment hes by the Lawes and acts of his maiſt Royall Progenitors Kings of this Realme heretofore bene ordeined to be inflicted upon ſik as ſhould deviſe or utter falſe and ſlanderous ſpeeches and writtes to make diſſentions betwene the Prince and his ſubjects, or raiſe ſedition in the Realme; and conſiddering that all ſik purpoſes and writtes as may breed diſlyking betwene the inhabitants of the ſaids Kingdomes of *Scotland* and *England*, being now all become his Majeſties Leige-people, equallie ſubject and equallie beloved of his Heighnes; tends to maiſt dangerous diſſention and ſedition amangs his ſubjects. Therefore his Majeſtie with advyce and conſent of the haill Eſtaites of this Parliament, ſtatutes and ordeins, that whaſoever ſhall hereafter by word or write, deviſe, utter or publiſh any falſe, ſlanderous or reprochfull ſpeeches or writtes of the Eſtate, People or Countrie of *England*, or of any Counſeller thereof, tending to the remembrance of the auncient grudges borne in tyme of by-paſt troubles, (the occaſion whereof is now happilie aboliſhed by the bleſſed conjunction of the ſaids Kingdomes under his Majeſties Soveraignitie and obedience) or to the hindrance of the wiſhed accompliſhment of the perfect union of the ſaids Kingdomes, or to the ſlander or reproch of the Eſtate, people or Countrie of *England*, or diſhonour or prejudice of any Counſeller of the ſaid Kingdome, whereby hatred may be foſtred and intertained, or miſlyking raiſed betwene his Majeſties faithfull ſubjects of this Iſle. The authors of ſik ſeditious, ſlanderous and injurious ſpeeches or writtes, or diſperſers thereof, after tryell taken of their offence, either before his Majeſties Juſtice, or the Lords of his Heighnes privie Councell, ſhall be ſeverelie puniſhed in their perſons and goods, by impriſonment, baniſhment, fyning or mair rigorous corporall paine, as the qualitie of the offence ſhall be found to merite at his Majeſties pleaſure. And all ſik as hearing or getting knawledge of any ſik ſpeeches or writtes, ſhall conceale the ſame, and not reveale them to his Majeſties ordinare officers, Magiſtrats or Counſellers, whereby the authors and diſperſers thereof may be puniſhed, ſhall underly the lyke tryell and paine.

10. *Act anent fugitive perſons of the Borders to the in-Countrie.*

FORSAMEIKLE As the Kings Majeſtie is reſolved to purge the middle-ſhyres of this Iſle, heretofore called the Borders of *Scotland* and *England* of that barbarous crueltie, wickednes and incivilitie

whilk be inveterat cuſtome was almaiſt become naturall to many of the inhabitants thereof, and to reduce them to the knawledge, love and feare of God, reverence of his Majeſties authoritie, obedience of his lawes and duetie to their Neighbors; for accompliſhing of that maiſt Royal deſigne, made chuſe of ane to be Commiſſioner in theſe bounds, whom by many aſſured pruſes in former imployments of greateſt conſequence, his Majeſtie knew to be indued with all qualities neceſſarie for ſa weigtie a charge; wha following preceiſlie the rules of his Majeſties maiſt prudent directions, and uſing all poſſible diligence and dexteritie in proſecution thereof, made ſa happie progreſſe in that good courſe, as juſtlie puniſhing the maiſt perverſed and rebellious ring-leaders (whais amendement was deſperate) and tranſporting others of them forth of this Iſle, the reſt were brought to very ſetled quyetnes and obedience of his Majeſties lawes, a very few number of outlawes onely excepted, wha being ſa earneſtlie ſearched and perſued in theſe bounds, as all hope ot eſcaping and langer impunitie was taken from them; they have by maiſt ſubtle and craftie means by changing their names, and diſſembling the place of their nativitie, convoyed themſelves in the in-countries of this Realme, and inſinuated themſelves in ſervice with Noble-men and others of good qualitie, not only therby eſchewing their deſerved puniſhment, but alſo abuſing and harming his Majeſties good ſubjects by their darned ſtouths in the in-country tranſported, reſet and quyetlie ſold in the bounds of the late Borders. And again ſtealing geir forth thereof and out of the bounds of theſe middle-ſhyres, and outting and ſelling the ſame in the in-countries. Beſides that, others of the ſaids out-lawes have bene allured and had reſet and overſight in the in-countries by ſome men of rank and power to be inſtruments and executors of ſik revenge and miſchief againſt theſe to whom they beare malice, grudge or quarrell; whilk for fear of his Majeſties lawes and authority they durſt not attempt by themſelves. For remeed whereof, his Majeſtie with advyce and conſent of the Eſtaites of Parliament, ſtatutes and ordeins that na man ſhall hereafter either receave or retein any man borne or lang habituate in the late Borders in his ſervice or company, or upon his lands unleſſe he have certaine knawledge or a true and authentick teſtimonial of his Majeſties great Commiſſioner of the late Borders or his deputes, of the ſaid Border-mans true name and ſurname, place of his nativitie and report of his trueth and lawtie, and that he is no knawne malefactor, but reput a duetifull and obedient ſubject, under the paine to incur the danger, and to be made anſwerable civilie and criminallie to his Majeſtie and all his lawfull ſubjects for all actions and crimes whilk might be any wyſe laid to the charge of the ſaids broken-men, for any cauſe or occaſion either preceding or during the tyme of their receaving or retaining them in their ſervice, companie or upon their lands, as if the reſetter had committed the ſaids faults himſelfe. As lykwyſe, becauſe ſome wha are not knawn to have committed any haynous offence in their awne perſon obteining teſtimonial of their name, birth and good report, may give the ſame to broken-men to be uſed by them in places where they are not knawn. It is ſtatute and ordained that whaſoever ſhall either give his teſtimonial to any man, whereby it may be abuſed by another nor him to whom it was truelie graunted; or wha ſhall falſlie uſe another mans teſtimonial, or wha ſhall fordge to himſelfe or uſe a falſe teſtimonial in the premiſſes, ſhall be puniſhed to the death. And to the effect his Majeſties faithfull and obedient ſubjects may have the better knawledge of the ſaids fugitives and broken men, and that ſik as reſet them may want all pretext and excuſe of ignorance, It is ſtatute and ordeined that a Roll ſhall be made by his Majeſties great Commiſſioner of the middle ſhyres, conteining the names of the ſaids rebels, fugitives, out-lawes and broken men, with the maiſt notor and evident marks and deſcription of their age, ſtature, colour and other tokens whereby they may be maiſt eaſily and readily knawn. And being imprinted ſhall be ſent to the Schireſs and Magiſtrates of the in-countries, and proclamed at the market Croſſes of the head Burrowes of the ſhyres, and other places needfull. And thereafter be publictlie affixed upon the ſaids Croſſes or Tolbuiths of the ſaids Burrowes. After whilk publication, It is ſtatute that the contraveiners of this Act or any head or artickle of the ſame ſhall be rigorouſlie puniſhed in their perſons and goods in maner foreſaid.

Teſtimonials uſed falſlie.

Ane Roll of fugitives.

11. *Act in favours of the Lords of Seſſion of ten thouſand pounds to be given to them yearlie.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, having for juſt and neceſſare reſpects concerning the preſervation of this Eſtate and cheefe members thereof, reſtored the Biſhops, being now the onely remanent of the Kirk Eſtate having vote in Parliament, to their livings, juriſdictions and place. And finding by experience that they will be altogether unhabile worthelie to diſcharge their dueties in that honourable ranke, unleſſe they be provyded of ſufficient maintenance, not onely for bearing the privat charges of their families, but alſo to ſuſtein the great burdings of their waightie imployments at Parliaments, conventions, and other publict affairs concerning his Majeſties ſervice and general weall of the Countrie; hes earneſtlie delt with the Lords of his Majeſties Councell and Seſſion, to conſent that the Quotes of the haill Teſtaments within this Kingdome, whilks did juſtlie pertein to the ſaids Seſſion be lawfull gifts and diſpoſitions thereof, granted to them by his Majeſtie and his prediceſſours, and ratified in Parliament, might be diſponed to the ſaids Biſhops, every ane of them within their awne Diocies, and be poſſeſſed by them in tyme comming. Wherein the ſaids Lords of Seſſion preferring their affection and zeale every way to grant ſatisfaction to his Majeſtie, to their awne profite and preſent ſuretie, hes maiſt humblie yeelded. And his Majeſtie being alwyſe of minde and intention to remunerat his ſaids faithfull, truſtie and obedient Counſellers and their ſucceſſours for their willing obedience to this his Majeſties deſire, in dimiſſion and renounciation of the

ſaid

ſaid Quote ſilver, they being the onely ordinare ſupreme Judges of this Realme, for adminiſtration of Juſtice, and interteinement of policie and peace within the ſamine, whilk neceſſarlie requyrs their dayly and continual preſence and attendance, preferring the publict good and weall of the Realme, in the adminiſtration of Juſtice indifferentlie to his Majeſties Leiges, to their awne privat and domeſtical affaires; and in the meane-tyme are forced to ſpend their awne patrimonie and rent in the ſaid publict weall of the Realme. And his Majeſtie having now by ſpecial inſtructions proponed to the ſaids Eſtaites of Parliament, the ſaids great and faithfull ſervices done to his Heighnes, and for the common weall of the Realme of *Scotland* in particulare, by his ſaids right truſtie and familiare Counſellers, the ſaids Lords and Senators of his Heighnes College of Juſtice, in yeelding and granting to his Heighnes ſpecial deſire, to ſurrander and over give from them the ſaid Quote ſilver of the Teſtaments, being the maiſt and beſt part of their patrimonie, to and in favours of the ſaids Archbiſhops and Biſhops of this Realme, for the helpe and ſupplie of their Eſtate, as is before ſaid. And the ſaids Eſtaites of this preſent Parliament having there-upon, taken full tryell and verification, they have found, tryed, cenſured and judged; lyke as they preſentlie finde, cenſure and judges the ſamine to be, and to have bene great, ſeene, reaſonable and profitable cauſes for the weall of his Majeſtie, and of the ſaid Realme of *Scotland*. As alſo, his Heighnes and Eſtaites foreſaids, findes, decernes and declares, that his Majeſtie with their advyce and conſent may for the ſaids ſeene, profitable and reaſonable cauſes, whilks they have knawne and tryed to be for the ſeene weall of his Majeſtie and Realme, as ſaid is, give, aſſigne or diſpone any part of the patrimonie of his Majeſties annexed propertie of the Crowne to the ſaids ordinare Lords and Senators of the Colledge of Juſtice and their Succeſſors, Senators of the Colledge of Juſtice in recompence to them of the ſaids Quotes of teſtaments, ſurrandered by them and over-given at his Majeſties deſire and command; to and in favours of the ſaids Eſtaites of Biſhops, and that in ſik manner, forme and ſure conditions as his Majeſtie beſt pleaſes for their ſecuritie. And to that effect that the annexation of theſe parts of the ſaid patrimonie of the Crown, that ar to be aſſigned and diſponed to the ſaids Lords and ordinare Senators of the ſaid Colledge of Juſtice and their ſucceſſours Senators, ſhall be ſimpliciter diſſolved from the Crowne, ſa that they may be given, aſſigned and diſponed to the ſaids ordinare Lords and Senators of the ſaid Colledge of Juſtice and their ſucceſſors Senators perpetuallie in all tyme comming. And the ſaids Eſtaites being ryplie and gravelie advyſed what his Majeſtie may give and diſpone to the ſaids Lords and Senators and their ſucceſſors with the leaſt detriment to his Heighnes Crowne and yearlie rent. The ſaids Eſtaites all in ane voyce, have found and declared, and by the tennor hereof findes and declares, that the cuſtomes of this his Heighnes Realme of *Scotland*, annexed to the Crown, may with the leaſt detriment to his Majeſtie, or hurt to the rent or revenew of the Crowne, for the ſeene cauſes above expreſſed, be given, aſſigned and diſponed by his Majeſtie to the ſaids ordinare Lords and Senators of his Heighnes Colledge of Juſtice and their ſucceſſours Senators in maiſt ample forme. And to that effect, his Majeſtie and Eſtaites foreſaids of Parliament, diſſolves, annulles and infringes the annexation of the cuſtomes of this Realme of *Scotland* to the Crowne, from the ſaid Crowne and patrimonie thereof, in ſa far as the ſamine may be extended to the ſumme of ten thouſand pounds, of the firſt, readieſt, maiſt ſure and beſt payment of the ſaids cuſtomes allanerlie. And now after the ſaid diſſolution, his Majeſtie and Eſtaites foreſaids of this preſent Parliament, hes given, granted, aſſigned and diſponed, and by the tennor hereof, for the ſeene cauſes foreſaids, gives, grantes, aſſignes and diſpones to the ſaids ordinare Lords and Senators of his Heighnes Colledge of Juſtice, and their ſucceſſours poſſeſſing the ordinare places of the ſaid Judicatorie and Colledge of Juſtice perpetuallie in all tyme comming. All and haill the ſumme of ten thouſand pounds, uſuall money of *Scotland*, in recompence to them of the ſaid Quote ſilver of Teſtaments, over-given by them at his Majeſties deſire, for the ſupport of the ſaid eſtate of Biſhops, to be uptaken, uplifted and receaved by them, and their collectors to be appointed by them in their names yearlie at twa termes in the yeare, Whit-ſonday and Martin-mes in Winter by even portions, forth of the readieſt and beſt payment of his Majeſties cuſtoms of the ſaid Realme of *Scotland*, or any part thereof from his Majeſties Comptrollers, tackſ-men, poſſeſſours and intrometters with the ſaids cuſtomes, and others addetted in payment thereof, now preſent and that ſhall happen to be for the tyme, to be diſtributed amongſt them in ſik forme as heretofore they were accuſtumed in devyding of the ſaid Quote ſilver. Beginning the firſt termes payment therof at the ſaid feaſt and terme of Mertin-mes next to come in this inſtant yeare of God, ane thouſand, ſex hundreth, and nyne yeares, and ſa forth yearlie and termlie thereafter, at the termes foreſaids perpetuallie in all tyme comming. Charging herefore the ſaid Comptroller and tackſ-men, poſſeſſors and intrometters with the ſaids cuſtomes of the ſaid Realme of *Scotland* or any part thereof, and others addetted in payment of the ſamine now preſent, and that ſhall happen to be for the tyme; to readilie anſwere, content, obey and make thankfull payment of the foreſaid yearlie ſumme of ten thouſand pounds yearlie money foreſaid, to the ſaids ordinare Lords and Senators of the ſaid Colledge of Juſtice and their ſucceſſours, and their collectors in their names, forth of the readieſt and beſt payment of the ſaids cuſtomes; and that they be preferred in payment thereof to all and whatſomever other perſon or perſons pretending right to the ſaids cuſtomes, or any part thereof by penſion, aſſignation, gift or other right or diſpoſition whatſomever. Beginning the firſt termes payment of the ſamine, at the ſaid feaſt and terme of Martin-mes next to come, and ſa forth yearlie and termlie thereafter at the termes foreſaids, perpetuallie in all tyme comming; whilk ſhall be thankfullie allowed to the payers, they taking the ſaids Lords and Senators or collectors acquitances and diſcharges to ſhaw upon compt for their warrant in

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the Checker. And likwyſe commanding the Lords Auditors of the Checker preſent and to come, to allow to the payers, the foreſaid ſumme of ten thouſand pounds yearlie and termlie, in the firſt end of their compt upon the ſight of the ſaids Lords and Senators, or their ſaids collectors acquitance upon the payment thereof, thir preſents being alwyſe ſhawne and produced in Checker. And als his Majeſtie and Eſtaites foreſaids of this preſent Parliament, decernes and ordeins his Majeſties Comptroller preſent and his ſucceſſours, Comptrollers for the tyme; as likwyſe the tackſmen of the ſaids cuſtomes preſent and to come, and intrometters there-with, and adetted in payment thereof to become acted themſelves, and to finde ſufficient caution and ſovertie acted in the Buikes of Councell and Seſſion, for thankfull payment of the foreſaid ſumme of ten thouſand pounds, to the ſaids ordinare Lords and Senators of the ſaid Colledge of Juſtice and their ſucceſſours, yearlie and termlie, at the termes forſaids in all tyme comming. And at the deceaſe or demiſſion of the ſaids Comptroller or tackſ-men, that the new intrants ſhall become acted to the effect foreſaid of new, and that caution be founden by the ſaid Comptroller and tackſ-men at the ſetting of the ſaids tacks to the effect foreſaid; otherwyſe the ſaids tacks to be null, and the nullitie thereof to be decyded by way of exception or action at their pleaſure. And that letters and executorials of horning ſimpliciter, may be direct upon ane ſimple charge of ten dayes againſt them, be delyverance of the ſaids Lords and Senators of the Colledge of Juſtice, for payment of the foreſaid ſumme of ten thouſand pounds yearlie and termlie, at the termes foreſaids. And his Majeſtie and Eſtaites foreſaids, decernes and ordeins, that na ſuſpenſion ſhall be granted for ſuſpending of the ſaids letters, at the inſtance of whatſomever partie or perſon adetted in payment of the foreſaid ſumme in any tyme comming, for whatſomever cauſe or reaſon by the Lords of Parliament, nor by the Lords of Checker, or other Judges whatſomever, except upon conſignation of the ſummes, or upon production of ſufficient acquitances of payment of the ſummes where-with they are charged. And that the ſaids ordinare Lords and Senators of the ſaid Colledge of Juſtice, are and ſhall be onely judges ordinare for diſcuſſing of the ſaids ſuſpenſions; diſcharging all others Judges whatſomever of all granting of ſuſpenſions in any cauſe concerning the premiſſes and diſcuſſing of the ſamine by any manner of way, and of their offices in that part for ever. And to the foreſaid diſpoſition and aſſignation of the foreſaid ſumme of ten thouſand pounds, to be payed yearlie and termlie forth of his Heighnes cuſtomes foreſaids, firſt, readieſt and beſt payment of the ſamine, to the ſaids ordinare Lords and Senators of the ſaid Colledge of Juſtice and their ſucceſſours foreſaids perpetuallie in all tyme comming as is above expreſſed; His Majeſtie and Eſtaites foreſaids of Parliament, hes interponed and interpones their conſent and authoritie, as that deed whilk ſhall be now and in all tymes hereafter eſteemed and judged for the weall of OUR SOVERAIGNE LORD, and for the common weall and eſtate of the Realme of *Scotland*. And his Majeſtie for his Heighnes and his ſucceſſours promits *in verbo Principis*, never to impugne nor quarrell the ſamine, nor come in the contrare hereof directlie nor indirectlie in any tyme comming.

12. *Act anent Patronages of forfaulted perſons.*

OUR SOVERAIGNE LORD being maiſt deſirous that all the vaiking Kirks within his Kingdome may be planted with qualified and worthie men, and that theſe wha are alreadie provyded to benefices lawfullie vaickand at the tyme of their proviſion, and wha hes obteined decreit conforme thereto, with lawfull and peaceable poſſeſſion following there-upon, may be mainteined therein. And ſpeciallie that the reſtitution of forfaulted perſons, pretending themſelves Patrons of benefices, either by his Majeſties gratious favour, pardon or rehabilitation, or by reduction of their forfaultors ſhall not be ane occaſion to ſubvert the eſtate of theſe wha obteined lawfull proviſion of any of the ſaids benefices by preſentation, or gift of the Kings Majeſtie, or others to whom his Heighnes diſponed the right of Patronage thereof, during the forfaultour ſtanding of the other pretended patron, whais cryme could neither be any reaſon to make the vaick and benefice not to be diſponed; neither ſhould his reſtitution or reduction be ane occaſion to trouble the titulare thereof, ſeing the ſleuth or negligence of ane lawfull Patron and faithfull ſubject, not preſenting within ſex moneths to the benefice vaickand whereof he is Patron, makes him for that tyme to amitt his right of Patronage; whilk *Jure devoluto* falling to the Kirk, the perſon provyded by them, hes undoubted right thereto during his liftyme. And therefore his Majeſtie with the advyce and conſent of the Eſtaites of Parliament, ſtatutes and ordeins, that all theſe wha are either alreadie provyded, or ſhall hereafter be provyded by his Majeſtie to any of the ſaids benefices, whereof the Patronage is fallen to his Heighnes, by forfaultour, or by any other to whom his Majeſtie hes diſponed the right of Patronage of any ſik benefices, and by vertue thereof have obteined letters conforme to their proviſion, with lawfull and peaceable poſſeſſion of the frutes thereof by the ſpace of divers yeares, that all ſik perſons ſhall be mainteined in their ſaid right and poſſeſſion of the ſaids benefices and frutes thereof, during their liftyme. And ſhall nowyſe be quarrelled, troubled nor moleſted by the ſaids forfaulted perſons, or their heires, ſucceſſours or poſteritie, being rehabilitated, reſtored, or their forfaultours reduced, nor by na other perſons having right diſpoſition or preſentation from them; but that the ſaids beneficed perſons during the ſaid forfaultour, and by vertue thereof become in poſſeſſion of the ſaids benefices in manner above written; ſhall peaceablie enjoy, bruike and poſſeſſe the ſamine benefices, haill fruites, rents, rights, commodities and priviledges thereof, as freelie, peaceablie and righteouſlie as if the ſaids Patrons had never bene forfaulted, and had lawfullie preſented, themſelves, but prejudice to the ſaids Patrons being reſtored, and their heires and ſucceſſours to recover their right of patronage

Patronage of the ſaids benefices, and to uſe and exerce the ſamin by due and tymous preſentation of habile and qualified perſons to the ſaids benefices whereof they are patrons, whenſoever they ſhall vaik by demiſſion or deceaſe of the preſent titulars and na otherwyſe.

13. *Act anent the Egiptians.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, Ratifies, approves and perpetuallie confirmes the Act of Secreet Councell made in the Moneth of June or therby, 1603. years; and Proclamation following there-upon. Commanding the vagabounds, forners and common thiefes commonlie called Egiptians, to paſſe forth of this Kingdome, and remaine perpetuallie forth thereof, and never to returne within the ſamin, under the paine of death, and that the ſamin have force and execution after the firſt day of Auguſt next to come. After the whilk tyme if any of the ſaids vagabounds, called Egiptians, als well wemen as men, ſhall be found within this Kingdome or any part thereof; It ſhall be leſome to all his Majeſties goods ſubjects, or any ane of them, to cauſe take, apprehend, impriſon and execute to death the ſaids Egiptians, either men or wemen, as common, notorious & condemned theiſes, by ane aſſiſe onely to be tryed, that they are called, knawn, reput and halden Egiptians. In the whilk cauſe, whaſoever of the aſſyſe happins to clenge any of the foreſaids perſons Egiptians pannelled, as ſaid is, ſhall be perſewed, handled and cenſured as committers of wilfull error. And whaſoever ſhall at any tyme thereafter reſet, receave, ſupplie or intertein any of the ſaids Egiptians either men or wemen ſhall tyne their eſcheat, & be warded at the Judges will. And that the Schireſs and Magiſttats in whais bounds they ſhall publictlie and avowedlie reſort and remaine, be called before the Lords of his Heighnes Secreet Councell, and ſeverety cenſured and puniſhed for their negligence in execution of this Act. Diſcharging all letters, protections and warrants whatſomever purchaſſed by the ſaids Egiptians or any of them from his Majeſtie or Lords of Secreet Councell, for their remaining within this Realme as ſurreptiouſlie and deceatfullie obteined by their knawledge. Annulling alſo all warrants purchaſed or hereafter to be purchaſed by any ſubject of whatſomever ranke within this Kingdome for their reſet, interteining or doing any manner of favour to the ſaids Egiptians at any tyme after the ſaid firſt day of Auguſt next to come for now and ever.

14. *Ratification given be the King to the Secreet Councell to receave Reſignations.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratifies and approves the commiſſion given by his Majeſtie upon the fourth day of Apryle, 1603. yeares, to the Lords of his Majeſties Secreet Councell, to receave reſignations of lands halden of his Majeſtie, and give infeſtments thereupon. And decernes and ordeins all and whatſomever Reſignations made ſen the date of the ſaid commiſſion conforme thereto in the hands of the Lords of his Heighnes privie Councell, and all infeftments proceeding there-upon, orderlie paſt his Heighnes Caſchet, Regiſter and ordinare ſeales, together with all confirmations graunted by his Majeſties ordinar officers of Infeftments of any lands perteining to his Majeſties faithfull ſubjects; whilks confirmations are lykwyſe orderlie paſt his Majeſties Caſchet and remanent ſeales and ordinare regiſters; together with all and ſundrie infeftments and confirmations to be hereafter paſt and exped upon the lyke reſignations in the hands of the Lords of his Majeſties Secreet Councell, and orderlie exped throw his Majeſties ſeales and regiſters, to have bene and to be now and in all tyme comming, als lawfull, valeid and ſufficient in Judgment and out-with, as if the ſaids reſignations had bene made in his Heighnes awne hands, and had bene receaved by his Heighnes, and as if the ſignatours of the infeftments following there-upon, and of the ſaids confirmations had bene ſigned and ſubſcryved with his awne Royall hand.

15. *Act ordeining Letters of Horning to be direct upon Admirals decreits.*

FORSAMEIKLE As be Act of Parliament made at *Perth* in the Moneth of Julie 1606. It was then ſtatute and ordeined in all tyme comming, that all decreits given be Schireſs, Commiſſares, Baillies of Regalities, Baillies of Bailleries and Stewartries, ſhould paſſe and have execution of horning upon ten dayes warning, as at mair length is conteined in the ſaid act, wherein there was the tyme of the paſſing thereof omitted and not expreſſed therein; the decreits to be given by the great Admirall of this Realme and his deputes, whilks being a Soveraigne Judicatorie in it ſelfe, and of its awn nature importing ſummare execution. OUR SOVERAIGNE LORD, and Eſtaites preſentlie conveened, in conſideration that the inſufficiencie, corruption and defects whilk wer in the deputs and members of theſe Courts in former tymes, and whereby theſe Judicatories were thought not worthie of that favour, is now helped and well amended by the planting of habile, worthie and ſufficient men in their places, hes inacted, ſtatute and ordeined, that ſik-lyke execution of horning paſſe upon all decreits to be given before the ſaid great Admirall and his deputes in tyme comming, as upon any the ſaids Schireſs, Commiſſars, or other interior Judges decreits, conforme to the ſaid Act of Parliament made there-anent of before.

¶ *Collected, viſied and extracted foorth of the Buikes and Regiſter of the Actes of Parliament, Be me Sir* JOHN SKENE *of* Curre-hil *Knight. Clerk of his Majeſties Councell, Regiſter and Rolles, under my ſigne and ſubſcription manuall.*

JOANNES SKENE
Clerk Regiſter.

FINIS.

ANE TABLE

Of the

PARTICULAR ACTES *and others, paſt in the* XX. *Parliament, halden at* Edinburgh, *the* 24. *day of* June, 1609. *not imprinted.*

1 THe *Forefaltour of the Lord* Maxwell.
2 *The forefaultour of the Laird of* Reſtalrig.
3 A*ct for uniting certaine Kirks in* Annandaill.
4 A*ct anent the Caſtell of* Annand.
5 A*ct anent the Kirk of* Leith.
6 A*ct anent the Kirk of* Carmylie.
7 A*ct in favours of the Univerſitie of* Sanct-Androes.
8 *Ratification of the infeftment of* Broxmouth *to the* Earle *of* Dumbar.
9 *Act in favours of the Lord* Scoone *of the intromiſſion with the Kings rents.*
10 *Ratification in favours of* James Maxwell *anent the lands halden be him of the Lord* Maxwell.
11 *Act in favours of* James Maxwell *anent the debaitable lands.*
12 *Ratification in favours of* John Murray *of* Dumdranane.
13 *Act in favours of the Laird of* Lugton *anent* Sanct-Leonards *Hoſpitall.*
14 *Ratification of ane penſion to the Lord* Whittinghame.
15 *Ratification of ane penſion to* William Elphinſtons *Bairns.*
16 *Annexation of the Abbacie of* Ferne *to the Biſhoprick of* Roſſe.
17 *Ratification of* Kintor *to the Earle* Marſhell.
18 *Act in favours of the* Earle *of* Argyle *anent* Balrynnes.
19 *Act in favours of Maiſter* John Laing *anent the Signet.*
20 *Diſcharge of the Few-dewties of* Murdocarnie *to Sir* Robert Malveill.
21 *Act in favours of Archibald* Johnſtoun, *Sir* John Arnot *and* Andro Logan.
22 *Erection of* Kilwinning.
23 *Erection of* Melros.
24 *Act in favours of the* Earle *of* Morton.
25 *Act in favours of the Lord* Lowdon *anent* Killiſmure.
26 *Erection of* Cauldſtene *to Sir* John Ker.
27 *Erection of* Eckles *to Sir* George Home.
28 *Erection of* Halie-wood *to* Closburne.
29 *Erection of* Sanct-Colme *to the Lord* Sanct-Colme.
30 *Ratification of the infeftment of the* Byres *to the Lord* Advocat.
31 *Ratification of* Cock-pules *infeftment.*
32 *Ratification of* North-Berwick *infeftment.*
33 *Ratification of the Lord* Kinlos *his infeftment.*
34 *Ratification to* Gawen Hammilton *of lands within* Kilwinning.
35 *Ratification to* James Liddell *of his infeftment.*
36 *Ratification in favours of the Lord* Sanquhare.
37 *Ane act anent the aboliſhing of the Secretars Regiſter.*
38 *Act anent the reſtitution of* David Hammilton *of* Bothwel-haugh.
39 *Act in favours of the Lord* Maxwels *vaſſels.*
40 *Ane ſubmiſſion betwix the Biſhop of* Sanct-Androes *and the Lord* Advocat *in the Kings name.*
41 *Ratification of the Laird of* Spot *his infeftment.*
42 *Act in favours of the town of* Perth *for bigging of their Bridge.*
43 *Reſtitution of the Laird of* Nudrie.
44 *Commiſſion for raviſhing of women.*

FINIS.

THE XXI.

PARLIAMENT

Of Our

Moſt High and Dread Soveraigne, JAMES By the grace of GOD, King of Scotland, England, France *and* Ireland, *Defender of the Faith, &c. Halden at* Edinburgh, *the xxiij. day of October*, 1612. *By the Noble and potent Lord ALEXANDER Earle of* Dunfermeling, *Lord* Fyvie *and* Urquhart, *great Chancellar of* Scotland, *&c. Commiſſionar appointed for halding of the ſaid Parliament, by vertue of his Majeſties Commiſſion graunted to him, under the great Seale of this Kingdome: With the ſpecial advyce, conſent and aſſent of the Eſtaites of this Realme.*

A Ratification of the acts and concluſions, ſet doun and agreed upon; in the general Aſſemblie of the Kirk, keeped in Glaſgow in the moneth of June, 1610. *Together with ane explanation made by the Eſtaites of ſome of the articles of the ſame.*

FORSAMEIKLE as in the Parliament halden at *Edinburgh*, in the yeare of GOD, 1597. The Eſtaites of this Kingdome remitted to his Majeſtie to conſult and agree with the generall Aſſemblie of the Kirk, upon the auctoritie and power whilk the Archbiſhops and Biſhops ſhould have in the Policie and diſcipline of the Kirk: Where-anent after that his Majeſtie and his Commiſſioners had many tymes moſt ſeriouſlie conferred and advyſed with the Miniſtrie. At laſt concluſion was taken, in the general Aſſemblie halden at *Glaſgow*, in the moneth of June, 1610. yeares. Determining all the doubtfull and contraverted points concerning the juriſdiction, policie, and diſcipline foreſaid, with full and uniforme conſent of ane verie frequent numer of godlie Miniſters, aſſiſted be the Counſell and concurrence of ane great manie of beſt affected Nobilitie, Barons, and Commiſſioners of Burrowes of this Kingdome, in maner, ſubſtance and effect following: with the explanation made be the Eſtaites of Parliament preſentlie conveined, of ſome of theſe articles reſolved upon in the foreſaid aſſemblie of *Glaſgow*.

IN THE FIRST the foreſaid aſſemblie acknawledgeth the Indiction of the general Aſſemblie of the Kirk to appertein to his Majeſtie, by the prerogative of his Royal Crowne.

AND FORDER Ordeineth that the Biſhops ſhall be Moderators in everie Dioceſian Synode. And the Synode ſhall hald twyſe in the yeare of the Kirks of everie Diocie. *Viz.* in Aprile, and October: And where the Dioceſes are large that there be two or three Synodes in convenient places for eaſe of the Miniſtrie. And in-caſe the Biſhop of the Diocie be abſent upon any neceſſar occaſion, in that caſe his place ſhall be ſupppleed be ſik ane worthie Miniſter (bearing charge within the bounds) as the Arch-biſhop or Biſhop ſhall appoint.

THAT NO SENTENCE of excommunication or abſolution thereof be pronunced againſt or in favours of any perſon, without the knawledge and approbation of the Biſhop of the Diocie, who moſt be anſwerable to GOD, and his Majeſtie for all formall and unpartial proceeding therein: And the proceſſe beeing found formall, the ſentence to be pronunced at the direction of the Biſhop, be the Miniſter of the Paroche where the offender dwelles, and the proceſſe began.

THAT ALL PRÆSENTATIONS to benefices bee directed hereafter to the Archbiſhop or Biſhop of the Diocie, within the which the benefice vacant be dimiſſion, deprivation, deceſſe, or utherwayes lyeth. With power alſo to the Archbiſhop or Biſhop to diſpone and conſer ſik benefices as falles in his Diocie (*Jure devoluto.*) Provyding alwayes in-caſe any Archbiſhop or Biſhop, ſhould refuſe to admit any qualified Miniſter, (accepting the præſentation granted to him and who hath bene once received and admitted to the function of the Miniſtrie, being then ſtill undepryved) preſented to them be the Patron, In the caſe of any ſik refuſe. IT ſhall be lawfull to the Patron to reteine the whole fruicts of the ſaid benefice in his awn hands. And ather hee or the Paroche wanting a Paſtor, be reaſon of the not planting of the Kirk. (In-caſe the refuſal thereof come be the Biſhop) may complaine thereof to his Arch-biſhop, and if ather the Arch-biſhop be the refuſer, or els doeth not give due redreſſe being complained unto, In that caſe the Lords of his Majeſties privie Counſell upon the parties complaint of the refuſe, and no ſufficient reaſon being given for the ſame, Sall direct letters of horning charging the Ordinarie to doe his duetie in the receaving and admitting of ſik a perſone as the ſaid Patrone hath præſented. IT is alwayes declared that if any Arch-biſhop or Biſhop ſhall deprehend any ſik perſon as is preſented to him to have come within compaſſe of a Simoniacal paction with his Patrone, in ſo far as he hath ather alreddie hurt, or promiſed and bound himſelfe to præjudge and hurt

the ſtate of his benefice in not reſerving a ſufficient maintenance for him and his Succeſſors anſwerable to the Eſtaite of his benefice: And that the Biſhop or Archbiſhop ſhall underſtand the ſame ather by the parties oath, or uther clear proof and evidence. In that caſe they may lawfullie refuſe any ſik perſon preſented unto them. Bot if the partie who is preſented hath reſerved to himſelf and his Succeſſors a ſufficient maintenance, the ſetting of tacks or promiſe to doe the ſame or doing of any thing els to his Patron (being not prejudicial to that aforeſaid maintenance) ſhall no wayes be aſcryved to any Simoniacall paction, nor ſhall not ſerve for any reaſon to the Archbiſhop or Biſhop to refuſe him. And incaſe any ſik contraverſie or queſtion ſhall occure betwix the Patron, the perſon preſented and the Arch-biſhop or Biſhop. IT is declared, that the Lords of Counſell and Seſſion ſhall be Judges thereunto, to decyde upon the ſaid Simoniacal paction and qualitie of the ſame, if any ſik thing ſhall be objected againſt the partie preſented.

IN DEPOSITION of the Miniſters, the Biſhop aſſociating to himſelfe the Miniſtrie of theſe boundes where the delinquent ſerved, he is there to take tryell of the fact, and upon juſt cauſe found to depryve: And the lyk ordour to be obſerved in ſuſpenſion of Miniſters from the exerciſe of the function.

THAT EVERIE MINISTER in his admiſſion ſhall ſwear obedience to his Majeſtie, and to his Ordinar, according to this forme following, I *A, B.* now nominat and admitted to the Kirk of *D.* Teſtifie & declare in my conſcience, That the RICHT EXCELLENT, RICHT HICH, and MICHTIE PRINCE, JAMES the Sext by the grace of GOD, King of *Scotland*, *England*, *France*, and *Ireland: defender of the Faith*, &c. is the only lawfull Supreme Governour of this Realme, Alſweel in matters Spiritual and Eccleſiaſtical, As in things Temporal: And that no foreine Prince, State nor Potentat, hes or ought to have any juriſdiction, power, ſuperioritie, pre-eminence, or authoritie, Eccleſiaſtical or Spiritual, within this Realme. And theirfor I utterlie renunce and foreſaike all foreine juriſdiction, power, ſuperioritie & authorities. And promeſs that from this furth I ſhall and will bear faith, and true alledgence to his Highnes, his heires and lawfull ſucceſſors: And to my power ſall aſſiſt and defend all juriſdictions, priviledges, pre-eminences, and authorities granted and belonging to his Highnes, his heires, and lawfull Succeſſors. Or united and annexed to his Royal Crown. And forder I acknawledge and confeſſe to have and to hold the ſaid *C.* and poſſeſſion of the ſame under GOD, of his Majeſtie, and his Crowne Royall of this Realme: and for the ſaids poſſeſſions, I doe Homage preſentlie to his Highnes in your preſence, and to his Majeſtie his heires and lawfull Succeſſors ſhall be true. *So help me GOD.* And als that everie Miniſter in his admiſſion ſhall ſweare obedience to his Ordinare, according to this forme following, I *A, B.* now admitted to the Kirk of *C.* promeſs and ſwears, to *E, F.* Biſhop of that Diocie, obedience, and to his Succeſſors in all lawfull things. *So helpe me God.*

AND IF THE SAID BENEFICE Be at the preſentation of ane laik Patron, the perſon preſented ſhall give his oath as followes, I *G, H.* now admitted to the foreſaid benefice, Teſtifie and declare in my conſcience, That the RICHT EXCELLENT, RICHT HICH, and MICHTIE PRINCE: JAMES the Sext, be the grace of GOD, King of *Scotland*, *England*, *France*, and *Ireland: defender of the Faith*, &c. is the onlie lawfull Supreme Governour of this Realme, alſwell in matters Spirituall and Eccleſiaſtick, as in things Temporall. And that na foreine Prince, State, nor Potentate, hes or oucht to have any juriſdiction, power, ſuperioritie, pre-eminence, or authoritie Eccleſiaſticall or Spirituall, within this Realme. And therefore I utterlie renunce and foreſaik all foreine juriſdiction, power, ſuperiorities and authorities. And promeſs that from this furth I ſhall and will bear faith and true alledgeance to his Highnes, his heires and lawfull Succeſſors. And to my power ſhall aſſiſt and defend all juriſdictions, priviledges, pre-eminences, and authorities granted and belonging to his Highnes, his heires, or lawfull Succeſſors, or united and annexed to his Royall Crowne. And I doe acknowledge and confeſſe to have and hauld the ſaid benefice and poſſeſſions of the ſame, under GOD be his Majeſtie, of *E, F.* lawfull Patron of the ſame.

THAT THE VISITATION of ilk Diocie be doone be the Biſhop himſelf and if the bounds be greater then he can overtak. That then hee make ſpeciall choiſe of ſome worthy man of the Miniſtrie within the Diocie, to viſit in his place: And what ever Miniſter without juſt cauſe or lawfull excuſe made ſall abſent himſelfe from the viſitation or the Dioceſian aſſemblie, He ſhall be ſuſpended from his office and benefice: and if he amend not, he ſhall be depryved.

THAT THE CONVENTIONS Of Miniſters for exerciſe, ſhall be moderated by the Biſhop being preſent, and in his abſence, by any uther Miniſter whome he ſhall appoynt at the Synode.

Whilks Acts, Ordinances, declarations, and determinations above written, his Majeſtie finding to be verie agreable to the true Religion profeſſed within this Kingdome, and to the godlie and decent governement of the Kirk, Miniſtrie, and whole members thereof. Therefore, his Highnes with advyſe and conſent of the Eſtaites of Parliament, Ratefies, approwes, and confirms all and ſundrie the premiſſes, and Ordeins them and everie ane of them, to be obeyed and obſerved, be all his Highnes ſubjects as inviolable Lawes in all tyme comming. Annulling and reſcinding the 114. Act, of his Majeſties Parliament, halden in anno 1592. And all and whatſomever uthers Acts of Parliament, Lawes, Ordinances, Conſtitutions, Sentences and Cuſtomes, in ſo farre as they or any of them, or any part of the ſame are contrare or derogatorie, to any of the Articles above written: als eſſentiallie, and effectualie in all reſpects, as if the ſaids Acts and conſuetudes heirby abrogate, were at lenth herein expreſt.

2. *Ane Act for remanding back to his Majeſties officiars of Juſtice in* England *of offenders in ſome particular crymes in the Act mentioned, who after the committing the offence in* England, *ſhall be thereupon fugitive, and remane in this Kingdome.*

OUR SOVERAIGNE LORD, and Eſtaites of Parliament, conſidering that albeit the gude effects of his Majeſties cairfull Providence, to repreſſe the innumerable diſorders, crymes, and offences, whilks befoir his happie atteining to the Crowne of *England*, were not only frequent bot almoſt ordinare in theſe bounds of the Kingdoms of *Scotland*, and *England*, (which then being the borders of the two Kingdoms, are now become the middle-ſhyres thereof.) Hes reduced theſe pairtes to ſo gude progreſſe of peace and obedience, as in ſo ſhort tyme could hardlie have beine expected. Nevertheles it is founden be experience that alſweel in theſe Shyres, as in divers uthers partes of both Kingdomes ſome evill diſpoſed perſons are imboldned to attempt and perpetrat many heynous crymes and offences, upon hoipe of impunitie, If after the committing of the ſame in one Countrie they may flee and eſcaipe to the uther, and, not be ſend back to the place of their offenſe. The practize whereof hes made many odious cryms and tranſgreſſions heirtofoir to remaine unpuniſhed to the great contempt of his Majeſties authoritie, and univerſall greife of all gude ſubjects of both Kingdoms.

FOR REMEDE whereof OUR SOVERAIGNE LORD, with adviſe and conſent of the Eſtaites of Parliaments, Statuts & ordeins, that if at any tyme after the end of this preſent Seſſion of Parliament, any perſone or perſons ſhall commit any cryme or offence, within the Realme of *England*, whilk be the Lawes of the Kingdome of *Scotland*, are or ſhall be declared or ordeined to be pettie treaſon, mourther, man-ſlaughter, fellonous burning of houſes and Corne, burglarie, robbing of houſes by day, robberie, thift, or rapt, and ſhall flie or eſcaipe into this Realme of *Scotland*, and be taken and apprehended within any part of the ſaid Kingdome of *Scotland*, boundes and dominions thereof. That then it may and ſhall be lawfull to and for the Juſtice generall and his ordinar Depute, the Shireſs, Stuards, Lords, and Ballyes of Regalities, the Commiſſionars of borders or any two of them, in their ordinar Courts, or the Juſtices of Peace in their generall and quarter Seſſions, or any foure of them: upon due and mature examination of the ſaid offence or offences in open Courts or Seſſions and pregnant pruiffs of the ſam, by warrand under their hands and ſeales. To remaund and ſend all ſuch offenders into the Realme of *England*, there to receive their tryell for any of the foirſaids offences, committed be them within the ſaid Realme of *England*, in maner above mentioned: Notwithſtanding any Law, Act, or Conſtitution, made at any tyme heirtofoir to the contrar.

Provyding nevertheles that this Act or any clauſe therein conteined, ſhall not take effect, force nor execution in any ſort. Exceptand Law and Act of Parliament be made and eſtabliſed within the Realme of *England*, in the firſt Seſſion of the next Parliament thereof: For Remanding and ſending out of the ſaid Realme of *England* into the Realme of *Scotland* all perſons who ſhall at any tyme heirafter commit any of the crymes or offences foreſaids, within the Realme of *Scotland*, and thereafter flie into *England*, or any part of the dominions of the ſaid Kingdome, to receive their tryell in due examination and puniſhment within the Realme of *Scotland*, for everie ane of the ſaids offences committed be them within the ſaid Realme of *Scotland* in maner before mentioned.

3. *Ane Act declaring that in all tyme heirafter, the objecting of Horning for a Civile cauſe of the partie ather ſlaine or mutilat, ſhall be no liberation of the offender from the puniſhment due of the Law.*

OUR SOVERAIGNE LORD, with adviſe and conſent of the Eſtates of Parliament: Statuts that if any of his ſubjects be mutilat or ſlaine being at the horne onlie for Civile cauſes the Slayer being perſued or ſick as are airt or part of the ſaids crymes of Slauchter or Mutilation, befoir the Juſtice generall his deputs or any uther ordinar Judge: No alledgeance founden upon the partie ſlaine or mutilat: their being at the horne for any civile cauſe ſhall ather ſtay proceſs or be ane defence to delay proceſs or procure impunitie to any of the offenders guiltie of the crymes foreſaids. And this Act to have force, effect and execution, for all ſick crymes above ſpecified as ſhall be heirafter commited allanerlie.

4. *Ane Act againſt Raviſhers of Weemen,*

OUR SOVERAIGNE LORD, with adviſe and conſent of the Eſtates of Parliament, Statuts and ordeins that if any being airt or part of Raviſhing of Weemen, be perſued for that heynous offence and defend themſelfes be the ſubſequent conſent of the woman Raviſhed, or be her declaration that ſhee went With them of her awne frie-will and conſent (albeit in that caſe the womans declaration of her conſent may exeime them from Capitall puniſhment.) That if the womans Parents or neireſt kins-folk, or his Majeſties Advocat be able to verifie be determination of the aſſiſe, that the fact wes at firſt violentlie and forceablie done againſt the parties will and without their conſent. The ſubſequent conſent or declaration of the partie ſhall not exeime the offenders from his Majeſties arbitrall puniſhment of warding their perſons, confiſcation of their goods, or impoſing upon them pecuniall pœnalties at his Maieſties pleaſure.

5. *Ane Act anent more tymous teynding, for the eaſe of the labourers of the ground.*

IT Is ſtatute and ordeined by OUR SOVERAIGNE LORD, and Eſtaites in Parliament: That in tyme comming in all teynding of Cornes, that the ſame be teynded at three ſeverall tymes everie yeare if the awners of the Cornes ſhall think it expedient: To wit the croft infeild corne at ane tyme, the beere at ane uther tyme, and the out-feild corne at the thrid tyme.

And declares that eight dayes after the compleit ſhearing of ilk ſort of cornes being out-run, that it ſhall be leaſum to the awners at the ſaids eight dayes end, to mak requiſition upon uther eight dayes to mak them thankfull teynding, and if the awners get not thankfull teynding at the expyring of the ſaids laſt eight dayes.

The ſaids Eſtaites declares that it ſhall be lawfull to the awners of the ſaids cornes to teynd and ſtak the ſamine themſelfes conforme to the Act of Parliament made of befoir anent the teynding of cornes in all poynts, and ſhall incurre na danger their-through.

6. *Ane Act for diſcharge of all perſute againſt any within the bounds of the late Borders for cauſes preceiding his Majeſties going to* England, *with exception not-theles of all decreits already recovered: and with reſervation of the criminal perſute at the inſtance of his Majeſties officiars.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament having due conſideration that through the occaſion of unquyetnes of the Borders of this Realme, and of the deadlie feads theirof, there fell out divers blood-ſheds, ſlauchters, mutilations, fyre-raiſings, ſtowths, and uthers crymes indicting death: As alſo ſundrie ſpuilyies, hearſhips, depredations, and reiffs of uthers goods and geare within the ſaids Borders. And underſtanding that throgh his Highnes happie preferment to the Crowne of *England*, the ſaids Borders of boith the Realmes are become peaceable and civile, albeit that the inhabitants thereof are not able to ſatisfie the bygane damnages of parties.

Therefore OUR ſaid SOVERAIGNE LORD, and Eſtaites foreſaids findes, declares, decernes, ſtatutes, and ordeins, that all and ſundrie inhabitants within the bounds of the ſaids Borders of *Scotland*: and ſpeciallie within the bounds of the Schirefdome of Berwick, Roxbourgh, Drumfreis, and Stuardrie of Annandaill, their heires, ſucceſſors, and executors, are and ſhall be fred, exonered, and diſcharged be virtue of thir preſents of all actions of ſpoliation and wrangous intromiſſion with whatſumever goods and geire, ſpuilyed and intrometted with be them or their predeceſſors, before his Majeſties preferment to the ſaid Crowne of *England*. With ane expreſſe reſervation nottheles of all decreits and ſentences alreddy gotten and obteined, be any perſon whatſumever before the date of thir preſents: Whilks are declared heirby to be nowaye comprehended within the compas of this preſent Diſcharge.

And alſo his MAJESTIE and Eſtaites foreſaids, declares, ſtatutes, and ordeins, that the ſaids inhabitants of the ſaids Borders, and ſpeciallie within the Schirefdomes and Stuardries reſpective above written: Are and ſhall be frie, fred and diſcharged, be thir preſents of all Criminal perſuits and actions, intended or to be intended or perſued againſt any of them, be any partie or perſons whatſumever: (except allainerlie be his Majeſties Advocat, Juſtices and Commiſſionars, deput and to be deput for that effect.) for whatſumever fyre-raiſings, ſlauchters, mutilations, thifts, ſtouths, or uthers criminall actions whatſumever committed be them, importing or that may import the taking away of their lyves, the ſamin being committed before his Highnes preferment to the ſaid Crowne of *England* alainerlie. But prejudice alwayes to his Highnes Advocat, Juſtices and Commiſſionars, to perſue the ſaids criminall actions as accords of the Law. And with expreſſe declaration that this preſent Act ſhall no wayes be extended to any crymes, wranges, factes and deeds done ſince his Highnes preferment to the ſaid Crowne of *England*.

7. *Ane Act allowing Horning upon ane ſimple charge of fyveteene dayes to be direct upon Commiſſars decreits.*

OUR SOVERAIGNE LORD, be advyſe of the three Eſtaites of Parliament, Ordeins and ſtatuts, that the decreits and ſentences of all Commiſſars within this Kingdome, receave ſiklyk execution be Horning as the decreits of Schireffs, Admiralls, Stuards, and Baillyes of bourgh: And that the Lords of Seſſion upon the ſicht of the acts and decreits of the ſaids Commiſſars or their precepts lawfullie execute be their officiars, berand the partie to have beine charged upon fyvetein dayes: Direct letters of Horning upon the ſimple charge of fyvetein dayes as in the caſes aforeſaids, and conforme to the Act of Parliament made in their favours.

8. *Ane Act anent repairing of Biſhops Manſes.*

OUR SOVERAIGNE LORD, with advyſe of the three Eſtaites, Ordeins all Arch-biſhops, Biſhops, and uthers Eccleſiaſticall perſons, to build, repaire and mainteine their houſes and manſes in ſik caſe as may ſerve for their dwelling and the dwelling of their Succeſſors, and if they or any of them ſuffer the ſaids houſes or manſes to ruyne and decay in their default. The Succeſſor ſhall have action againſt their executors

executors for the ſame: As als where the ſaids houſes ar fallen in decay, and ſhall be built and repaired be any of the beneficed perſons upon their awne expenſes, the next Succeſſor ſhall be obleiſhed to give ſatisfaction therefore to the Heires or Executors of the defunct at the ſicht of two or three of the Biſhops within the Province. Provyding that the ſaid ſatisfaction exceid not the ſoume of ane Thouſand pounds, if they be Prælats, and fyve hundreth markes, if they be uther inferior Miniſters.

9. *Ane Act pardoning the bypaſt eſcaips of ſome pœnall Statuts therein mentioned.*

THE whilk day the Commiſſion after ſpecified ſigned be his Majeſtie wes preſented before the Lords of articles of this preſent Parliament of the Eſtates of this preſent Kingdome, and was then heard, read and allowed of be them, and the ſaids Commiſſionars wer deſyred and requyred according to his Majeſties gracious pleaſure and will ſignified therein to proceid in doing what unto them by the ſaid Commiſſion wes directed: of the whilk Commiſſion the tennor followes.

OUR SOVERAIGNE LORD, underſtanding that many Lawes, and Acts of Parliament wyſlie inſtitut for preventing and puniſhing abuſes by pecuniall paines have beine ſo lang neglected without any reſearch, tryall or puniſhment of the contraveiners, or exacting of the fynes and pœnalties appoynted for theſe tranſgreſſours that the moſt part of the people wer led by etronious opinion to think that the negligence of his Majeſties officiars in diſcoverie and perſute of the offenders againſt theſe Lawes, had proceidit of his Majeſties allowance that the ſaids Lawes and pœnalties therein conteined ſhould goe in deſwetude and no way be put in execution, whereby the abuſe hes had ſo lang toleration and the people ſo conſtant perſwaſion that they wald not be perſued nor troubled for the ſame, that the number of the guiltie is become ſo great and the pœnalties of their contraventions ſo many, that the rigorous exaction of the ſame micht turne to the overthraw of a multitude of his Majeſties ſubjects.

FOR Remeid whereof his MAJESTIE with advyſe and conſent of the Eſtates of Parliament gives and grants full power and commiſſion, expreſs command, bidding and charge to *George* Archbiſhop of Sanct-Andrewes, *John* Arch-biſhop of Glaſgow, *Alexander* Biſhop of Dunkeld, *Iohn* Earle of Marre, *Patrik* Earle of Kinghorne, *David* Lord Scoone, Sir *David Carnegie* of Kinnaird Knicht, *Iohn Scrymgeour* of Dudop Conſtable of Dondie, Sir *Gedeon Murray* of Elibank Knicht, *Iames Niſbet*, Maiſter *Alexander Wederburn*, *Alexander Rutherfurd* Proveſt of Aberdein, Sir *Thomas Hammilton* Secretar to Our Soveraigne Lord, Sir *William Oliphant* his Highnes Advocat, or any eight of them: to convein in whatſumever dayes and places neidfull and convenient, be appoyntment of the ſaid *George* Arch-biſhop of Sanct-Andrewes.

There to trye and conſider which of the ſaids pœnall Lawes, and Acts of Parliament have heirtofoir beine left in ſik deſwetude without any controlment or perſuite as micht have induced the ſubjects to expect impunitie of contraveining the ſame: as alſo which of the Acts & ſtatuts foreſaids merits Pardon for bygan contravention, & which of them are fit to be authoriſed in tyme comming, ſo that after the ſaid Publication the tranſgreſſor ſhal be ſeverlie puniſhed without any farder overſicht or favour. And whatever the ſaids Commiſſionars or any eight of them ſhal determin, conclude & ſet down in form of Act ſubſcryved with their hands, ſhal have the form ſtrength, force and effect of ane ſure, perfyte and abſolut Pardon and remiſſion to all whome it may concerne, for bypaſt tranſgreſſion of the foreſaids Lawes, als valiablie in all reſpects as if everie ane of them had obteined a lawfull, formall and particular remiſſion orderly exped under his Majeſties hand and ſeals, with conſent of the ordinar officiars, and with all neceſſar ſubſtance and formalitie requiſit in the lyke caſes. With certification to all thoſe who ſhall tranſgreſſe the Laws and Acts of Parliament heirafter to be publiſhed and ordeined to have force & execution in tym comming, they ſhall be perſued & puniſhed therefore with all extremitie. Ordeining alſo this Commiſſion with the Acts to be made be virtue thereof to be inſert and regiſtrat in the buikes of Parliament, and have the force and execution of ane act of the ſame. According whereunto the aſoir-named Commiſſionars have had ſundrie meitings and taking holde alſwell of the neceſſitie of the puniſhment of ſick as have contraveined the Lawe, as of his Majeſties moſt gracious inclination to mercie and compaſſion have concluded, decreed and determined, as after followes.

IN THE FIRST the ſaids Commiſſionars having conſideration of the Act and ſtatut of Parliament made in the Moneth of December, foureſcore ſeventeine yeeres, whereby all lieges were inhibit to take any further annuell, intereſt, or profite, then according to the rate and proportion of Ten for ilk hundreth in the yeere. Determins and ordeins that the ſame in all tyme hereafter ſhall ſtand in full force, ſtrength and effect, and that the contraveiners and breakers of the ſame ſhall be with all rigour and extremitie puniſhed according to the appoyntment of the foreſaid Act of Parliament in all points. And as for ſik as are come within the compas of the breaking and violating of the ſaid Act in tyme paſt ſince the making thereof: IT is declared that if ſik perſon as in tyme paſt ſince the date thereof hath exceedit the proportion of twelve for ilk hundreth, by taking grater profite or annuell for their monye lent out ſhall be in lyke ſort without any mitigation ſeveirly puniſhed, conforme to the tennor of the ſaid Act of Parliament. And in lyke ſort, It is declared that all ſick perſons who ſince the terme of Mertimes 1611. yeeres, (at whilk tyme by his Majeſties direction and appointment the offenders in that caſe, and violators of the foreſaid Act of Parliament wer perſued) have given out their money and taken more profite and annuell then Ten for ilk hundreth, ſhall in lyke ſort be puniſhed as breakers and contraveiners of the foreſaid Act. Bot as for ſik perſons who ſince the date

of

o the foreſaid Act, and before the ſaid terme of Mertinmes 1611. yeeres, have not exceedit the proportion of twelve for ilk hundreth. His Majeſties aforeſaids Commiſſionars upon the knawledge of his Majeſties pleaſure therein whoſe ſuperabounding love and mercie to his ſubjects wes never wanting, and the ſecuritie of the offenders in this caſe, who finding no proſecution of any puniſhment upon the breakers of the ſtatute for ſick a continuance of tyme, did there-upon preſume to themſelfes Impunitie, being ſum argument of his Majeſties compaſſion towards them. IT is therefore be the ſaids Commiſſionars decreed and determined that all and everie perſon who hath come within the compas of violating of the ſaid Act, and that fra the date thereof to the ſaid terme of Mertinmes 1611. yeeres, did never exceed nor tranſcend in taking of profite or annuell for monye lent out be them the proportion of twelve for ilk hundreth, ſhall be freelie diſcharged, exonered, and pardoned of all paine, unlaw, and puniſhment, which the ſaid Act of Parliament doeth appoynt to be inflicted upon the contraveiners and breakers of the ſame. Bot it is no waye hereby meaned that this ſhall be a liberation to theſe who have in any ſort ſince the date of the Act of Parliament exceeded the proportion of twelve, or that have taken more then Ten ſince the ſaid terme of Mertinmes 1611. yeeres: Bot the offenders in any of theſe caſes to be puniſhed as the Law hath appoynted.

AND ſiklyke the ſaids Commiſſionars upon the reaſons and conſiderations before rehearſed, have diſcharged ſimpliciter the whole ſubjects and leiges of this Realme, of all ſik bygaine pœnalties, unlaws, and puniſhments which they or any of them have incurred through the breaking and violating of any of the Acts and ſtatutes of Parliament heirafter expreſſed in tymes bypaſt allanerlie and no utherwayes. They are to ſay.

The Acts of Parliament made anent apparrell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent tranſporting of Gold and Silver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whiſſiling of Gold and Silver, and taking thereof above the Kings pryce.

The Acts of Parliament made anent eating of Fleſh in Lent, and forebidden dayes.

The Acts of Parliament made anent the uſing of Confections beyond ſea.

The Acts of Parliament made anent the tranſporting of forebidden goods.

The Acts of Parliament made anent the tranſporting of Skinnes.

And the Acts of Parliament made anent the packing and tranſporting of Herring before Michael-mes.

And ordeins the ſame whole Acts of Parliament and everie ane of them to ſtand in their awne ſtrength, force, and effect in all tyme comming, after the forme and tennor thereof, and ordeins the ſame to be put to due execution and the tranſgreſſours thereof to be unlawed and puniſhed conforme to the unlawes and puniſhments mentioned therein.

10. *Ratification to the Queenes Majeſties of her infeftment of Dunfermeling.*

OUR SOVERAIGNE LORD, and Eſtaites of this preſent Parliament, Ratefies and approves and for his Majeſtie and his Succeſſors perpetuallie confirmes, the infeftment made and granted be his Majeſtie to his Highnes deareſt Spouſe ANNA be the grace of GOD now Queene of Greate *Britaine*, *France*, and *Ireland*: and to the Heires lawfullie gotten or to be gotten betwix his Majeſtie and his Highnes deareſt Spouſe foreſaid, Whilk failyeing (as God forebid) to his Highnes Heires and Succeſſors whatſumever to the Crowne of the Kingdome of *Scotland:* of all and whole the Monaſtrie and Abbacie of Dunfermling lyand on both ſydes of the water of Forth, conteining all and ſundrie the Lands, Lordſhips, Barronies, Milnes, Woods, Fiſhinges, Manſions, Manor-places, Kirks, Teynds, Kirk-lands, Tenents, Tenendries, Service of Free-tenents, Yairds, Orchards, Few-mailles, Fermes, Kaines, Cuſtomes, Annual-rents, and uthers particularlie and generallie conteined in the ſaid infeftment proceeding upon the reſignation of *Henrie Pitcarne* of that ilk, as Commendator of the ſaid Abbacie of Dunfermling for the tym with conſent of the Convent thereof in maner and to the effect mentioned in the ſame infeftment, whilks are thereby united, erected, and incorporat, in ane whole and frie Temporall Lordſhip, to be called in tyme comming the Lordſhip of Dunfermling. To be halden of OUR SOVERAIGNE LORD, and his Succeſſors in frie blench ſre heretage and fie Lordſhip for ever for the yeerlie payment of Sex ſhillings, eight pennies monye of this Realm of *Scotland* yeerly at the Feeſt of Whitſunday in name of blench-ferme if it beis asked allanerlie, lyke as at more length is conteined in the ſaid infeftment under his Highnes great Seale, of the date at *Lanlithgow* the ſevinth day of March 1593. yeeres, and of his Highnes reigne the xxvij. yeere. With the precept and inſtrument of Seaſine following thereupon, togidder with all and ſundrie infeftments ather paſt be reſignations or confirmations, precepts upon retours or be precepts of *Clare conſtat*, gifts of offices, tacks of Teynds of Lands or uthers teynds whatſumever, diſpoſitions be forme of indentour, contract or aſſignation of any yeerlie dueties, rents or commodities perteining and belanging to the ſaid Lordſhip of Dunfermling and Patrimonie thereof of whatſumever date or dates, tennor or contents the ſamin be of, ather already made, given, and granted, or that hereafter ſhall happen to be made given and granted to whatſumever

ever perſon or perſons, their Heirs & aſſignayes by our Soveraigne Lady, as Lady of *Dunfermling* with conſent aſſent and authoritie of our ſaid SOVERAIGNE LORD, her Majeſties deareſt bedfellow for his Highnes entres and with advyce, conſent and aſſent of ALEXANDER Earle of *Dunfermeling* Chancellar, WALTER Lord of *Blentyre*, umquhyle Maiſter JOHN LYNDESAY of *Balcarras*, umquhyle Maiſter JAMES ELPHINSTOUN of *Innernochtie*, Sir THOMAS HAMILTON of *Byres* Knicht, Secretare, umquhyle ALEXANDER HAY of *Eaſter Kennet* Clerk of Regiſter for the tyme, and Maiſter PETER YOUNG of *Seatoun* Elymoſinar to his Majeſtie, or any foure of them her Majeſties Counſellors nominat be OUR ſaid SOVERAIGNE LORD, with advyce of the Eſtates of his Highnes Parliament halden at *Edinburgh* in the Moneth of Julij. 1593. yeares. Or with conſent of ſik uther perſone or perſons nominat & placed as Counſellors to her Majeſtie ſince the deceaſſe of any of the perſons particularly above-named, or with conſent of any others her Majeſties Counſellours, who ſhall happen at any time hereafter to be nominate in place of the perſons above-named, either already deceaſed, or that hereafter ſhall happen to deceaſe, in manner and forme as is preſcryved in the ſaid Act of Parliament, made in the ſaid Moneth of July, 1593. yeares: In all and ſundry points, paſſages, heads, articles, clauſes, circumſtances and conditions whatſomever therein contained after the formes and tenours thereof reſpective in all points. And OUR ſaid SOVERAIGNE LORD and Eſtates foreſaids, wills and grants, declares, decernes, and ordeins, that this preſent Confirmation is and ſhall be als valiable, effectual and ſufficient in all reſpects, as if the foreſaids Infeſtments, Charters, Precepts and Inſtruments of Seaſine granted to our ſaid Soveraigne Lady of the ſaid whole Lordſhip of *Dunfermling*, together with the other Infeftments, Precepts, gifts of Offices, Tacks, Indentures, Contracts, Aſſignations, and others above-written, either already made, given and granted, or that hereafter ſhall happen to be made given and granted by her Majeſtie, with conſent, aſſent, authoritie and advice foreſaid, to any perſon or perſons, conteining diſpoſition, tack, gift, or other right of the ſaid Lordſhip and Patrimonie of *Dunfermling*, or any part of the ſamin were at length word by word ingroſſed hereintil.

11. *Ane Act declaring that all* Ratifications *paſt in this Parliament are no other-wayes exped, but* Salvo jure Cujuſlibet.

FOR-ſameikle as in this preſent Seſſion of Parliament, there are many Ratifications paſt, wherein divers and new clauſes are inſert, whilks may be prejudicial to particular parties Rights, and derogative to many and ſundry Laws lawfully made and eſtabliſhed of before: albeit the meaning of the Eſtates be at this time as it was ever in all preceeding Parliaments, that by na Act of Ratification any other party ſhould be hurt and prejudged.

FOR Remeed whereof, It is ſtatute and ordeined, that no Ratification paſt in this preſent Seſſion of Parliament, ſhould be prejudicial to any private parties Right, but that the ſaids Ratifications be alwayes underſtude, whidder they be general or ſpecial, to be *Salvo jure Cujuſlibet*.

FINIS.

THE MINUTE

Of the Particulare Acts unprinted, which were exped and paſt in the aforeſaid Parliament.

1 *Act concerning the voluntar offer of ane Taxation made by the Eſtates of Parliament to his Majeſtie.*
2 *Act anent the forme and order of the uplifting thereof.*
3 *Ratification of the contract betwixt his Majeſty, and Sir* John Arnot, *anent* Orknay.
4 *Annexation of the Lands of* Orknay *to the Crown.*
5 *Commiſſion for dealing betwixt his Majeſty and the* Biſhop *of* Orknay *for the* Biſhop *lands in* Orknay.
6 *Ratification of* John Auchmouties *renunciation of his right of the Caſtel of* Sanct-Andrewes.
7 *Ratification of the* Biſhoprick *of* Galloway *in favours of Maſter* William Cowper, *with ſome reſervations in favours of ſome particular perſons fra the ſame Act.*
8 *Ratification in favours of* Sanct-Leonards *Colledge of the lands belanging to the patrimony thereof.*
9 *Diſſolution of the Arch-deanrie of* Sanct-Andrewes, *and annexation of the ſame to the* Biſhoprick *thereof.*
10 *Ratification of the contract betwixt the Archbiſhop of* Sanct-Andrewes *and the Citie of* S. Andrewes, *with a reſervation in favours of the Lord* Lindeſay.
11 *Ratification to the Duke of* Lennox *of the Dukedom of* Lennox, *and Regalitie thereof.*
12 *Ratification to the* Duke of Lennox *of the office of Admiralitie, and priviledges of the ſame.*
13 *Ratification to the Duke of* Lennox *of his penſion forth of the propertie.*
14 *Exoneration to the Earle of* Argyle *of his Commiſſion to* Ilay.
15 *Ratification of the patronage of the Kirk of* Kinghorne, *to the Earle of* Kinghorne.
16 *Act for changing the market-day of* Glammes.
17 *Ratification of the Lord* Fenton *his infeftment of the Lordſhip of* Dirletoun.
18 *Act for tranſlating of the Kirk of* Gullane *to* Dirletoun.
19 *Ratification in favours of the Lord* Lindeſay *anent his infeftment of the lands of* Cairny, *and others.*
20 *Ratification to the Lord* Hay *of* Sala *of his erection of* Beaulie.
21 *Ratification to the Lord* Scoone *of his infeftment of* Scoone, *and of the ſaid Lord* Scoone, *and Sir* Mungo Murray *their penſions forth of his Majeſties rents.*
22 *Ratification to the Lord* Keith *of his infeftment of the Lordſhip of* Dunnoter *and* Innerrugie.
23 *Ratification to the Lord of* Buckleuch *of his infeftment of* Hails *and* Branxholme.
24 *Ratification to the Maſter of* Tullibardin *of the lands of the Earledome of* Athole.
25 *Ratification in favours of the Lord of* Garleis *of his infeftment of* Garleis, *and patronage of the Kirk of* Pennynhame.
26 *Ratification to the Lord* Burlie *of his erection of* Kilwinning.
27 *Ratification to Sir* Thomas Hamiltoun *of* Byres *Knight Secretary, of his infeftment of* Byres.
28 *Ratification in favours of Maſter* John Preſton *Preſident of his penſion of* 1000. p.
29 *Ratification in favours of Sir* Richard Cockburne *of* Clerkingtoun *Lord Privie Seal, of his infeftment of* Clerkingtoun.
30 *Ratification to Sir* William Oliphant *of* Newtoun *Advocat to his Highnes, of the gift of the ſaid office, and of his penſion.*
31 *Ratification to Sir* Gideon Murray *of* Elibank *Knight, of his penſion.*
32 *Ratification to* Patrick Douglas *of his infeftment of the lands of* Kilſpindie *and* Aberlady *with the teinds of the ſame.*
33 *Ratification in favours of* John Murray *of his infeftment of the lands of* Dundrenan *and* Lochmaben.
34 *Ratification to the Laird of* Panmure *of his infeftment of the lands of* Panmure, *and of the Band given by the Marques of* Hamilton *anent his teinds.*
35 *Ratification to Sir* George Hay *of his gift of the priviledge of making of Iron and Glaſſe-works, with reſervation of* Archibald Primroſe *his particular gift of ane part of the ſame.*
36 *Ratification to Sir* George Hay *of his infeftment of the lands of* Kincapel.
37 *Ratification to the Officiars of the Cunye-houſe of their priviledges.*
38 *Ratification to Sir* James Sempel *of his infeftment of the lands of* Stuarton.
39 *Act making the town of* Monimusk *to be the head Burgh of that part of the Regalitie of the Baronies of* Keig *and* Monimusk.
40 *Ratification to the Laird of* Balmuto *of his infeftment of the lands of* Balmuto, *and patronage of the Kirk of* Auchtertoule.

41 Rati-

41 *Ratification to the Laird of* Dundas *of the Patronage of the Kirk of* Levingſton.
42 *Ratification to Maſter* Thomas Hope *of his infeftment of the Lands of* Edmiſton.
43 *Ratification to Sir* James Dundas *of a Burial place in the Reveſtrie of the Kirk of* Borthuik.
44 *Ratification to* Henry Wardlaw *of the heritable Chamberlenrie of* Dunfer.
45 *Ratification to the Laird of* Lie *of his infeftment of the Baronie of* Lie.
46 *Ratification in favours of* William Nisbet *of his infeftment of the* Deane, *and pultrie-land.*
47 *Ratification to* Alexander Moncreif *of his infeftment of the lands of* Fawſide.
48 *Act in favours of the heires of umquhile* William Nisbet *of* Newtoun-leyes *againſt the executors of the Laird of* Reſtalrig.
49 *Ratification in favours of the Laird of* Spot, *of his infeftment of* Spot, *and Chamberlanrie of* Dumbar.
50 *Act anent the Kirk of* Creling, *declaring the ſame to be ane Paroch Kirk.*
51 *General ratification of the Borrowes Libertues.*
52 *Ratification in favours of the town of* Glaſgow *of their infeftment.*
53 *Ratification in favours of the town of* Dumbartan *of their infeftment.*
54 *Ratification in favours of the Burgh of* Tayne *of their infeftment.*
55 *Ratification in favours of Maſter* Joſua Durie *of his penſion.*
56 *Ratification to the Laird of* Auldbar *of his infeftment of the patronage of the Kirk of* Roſcobie.
57 *Act anent the common Kirk of* Caithnes.
58 *The ſupplications of the Fewers of* Selkirk *and Sheriff of* Roxburgh, *referred to the Lords of Seſſion to grant Commiſſion conforme to the deſire thereof.*
59 *Commiſſion to the next Parliament anent preſcription of heritable Right, and als anent Procuratories and inſtruments of reſignation.*
60 *Declaration of the Eſtates that ſik Commiſſioners for the Kings dueties of Erections that are deceaſed, or ſhall happen to deceaſe, ſhall be ſupplied by his Majeſties nomination hereafter of other perſons of that ſame rank and eſtate.*
61 *Recommendation from the Eſtates to his Majeſty of umquhile Maſter* Thomas Craige *his Works.*
62 *Proteſtation made by the* Earle *of* Angus.
63 *Proteſtation made by the Marques of* Hammilton *to the contrare.*
64 *Proteſtation made by* James Stewart *for the Earle* Marſhal *againſt the Conſtable.*
65 *Proteſtation made by the Earle of* Wintoun *for the* Earle *of* Erroll *Conſtable.*
66 *Proteſtation made by the Lord* Torphichen *anent the taxation and liberty therefra.*
67 *Proteſtation made by Sir* James Dundas *to the ſame effect.*
68 *Proteſtation made by the town of* Renfrew *againſt* Glaſgow *and* Dumbartan.
69 *Proteſtation made by the Burgh of* Innernes *againſt the Burgh of* Tayne.

F I N I S.

THE XXII.

PARLIAMENT

Of Our

Moſt High and Dread Soveraigne, JAMES By the grace of GOD, King of Scotland, England, France *and* Ireland, *Defender of the Faith, &c. Halden be his Majeſtie at* Edinburgh, *the* 28. *day of June* 1617. *With adviſe of the Eſtaites of this Realme.*

ACT I.

Anent the Election of Arch-biſhops and Biſhops.

OUR SOVERAIGNE LORD, with adviſe and conſent of the Eſtates of this preſent Parliament, for gude and ſolide Ordour to be keiped in all time to come, For election of Archbiſhops & Biſhops: Statuts & Ordains, that all who ſhall be hereafter promoved to any Archbiſhoprik or Biſhoprik within this Realme ſhall be elected and admitted according to the forme and maner under mentioned and no utherwiſe That is to ſay, when it ſhall fall any of the Seas to be made void; His Majeſties pleaſure is to grant licence to the Deane and Chapter of the Cathedral Kirk of the Sea, to convene themſelfes for electing of ane uther Archbiſhop or Biſhop in place of the former incumbent. And the ſaid licence being exped, ane Edict ſhall be affixed upon the moſt patent dure of the Cathedral Kirk, requiring and charging the Deane and Chapter of the ſaid Kirk, to conveine themſelfes for chuſing of ane Biſhop to the ſame, who ſhall be devote to GOD, and to his Highnes and Realme profitable and faithful. Who being conveined the Deane of the ſaid Chapter with ſo many of them as ſhall happen to bee aſſembled, ſhall proceed and chuſe the perſon whome his Majeſty pleaſed to nominat and recomend to their Election, Hee alwayes being ane actual Miniſter of the Kirk, and ſhall Elect none uther then ane actual Miniſter: to be ſo nominat and recomendit be his Majeſtie as ſaid is. After the which Election teſtified under their Seals and ſubſcriptions, His Majeſties pleaſure is to give his Royall aſſent thereto: And the ſame aſſent being granted under his Majeſties great Seal, ſhall be to the perſon elected ane ſufficient right for injoying the ſpiritualitie of the Benefice whereunto hee is elected during his life-tyme. Upon the which aſſent, and his Highnes mandat to be directed to ane competent number of Biſhops within the Province where the Benefice lyes, The perſon elected ſhall be Conſecrat and received in his function bee the rites and ordor accouſtumed. And the ſaid conſecration being made his Majeſties pleaſure is to diſpone to the perſon elected the temporalitie of the ſaid Benefice with all Priviledges, honours, and dignities, belonging thereto. And the ſame grant being paſt under his Majeſties great Seal; Then ſhall the perſon admitted doe homage and ſweare obedience to Our Soveraigne LORD, according to the forme preſcribit. Neither ſhall it be lawfull to the perſon admitted to intromet with any of the fruites and rents of the ſaid Benefice, untill he have performed the ſaid homage and given the Oath of allegeance and fidelitie to his Majeſtie or his Highnes Commiſſioners to be appoynted for that effect. And for the better obſerving of the ſaid ordor in all tyme hereafter, OUR SOVERAIGNE LORD, and three Eſtates Inhibits and diſcharges the Lords of Counſel an Seſſion to authorize be their Decreit and ſentence the proviſion of any Biſhop to be admitted hereafter, except that it be teſtified that he is received and entered according to the ſaid order in all points.

ACT II.

Anent the Reſtitution of Chapters.

OUR SOVERAIGNE LORD, with adviſe and conſent of the Eſtates of this preſent Parliament, Conſidering how neceſſar it is that the Deane, and members of Chapter of everie Cathedral Kirk, be at all occaſions readie to conveene themſelfes for the election of Arch-Biſhops and Biſhops, to their ſeveral Seas, and for expeding of particular rights made to the Leiges, whereunto their conſent by the Lawes of the Realme is required, and that for ſupporting of the charges of their ſervice and inabling them the better to attend at ſick occaſions, It is moſt neidfull they be reſtored to their Manſes, Gleibes, rents and livings belonging unto them of auld.

HAVE Statut and Ordained, that all the Deanes, and uthers members of the Chapters of the Cathedral Kirks within this Kingdome, ſhall be reſtored to their Manſes, Gleibes, Rents, and uther patrimonie belonging to them.

And

And to that effect his Majeſtie with adviſe of the ſaids Eſtates, diſſolves fra the Crowne and patrimonie thereof, the foreſaids Manſes, Gleibes, Rents and Dueties formerlie annexed: to the effect the ſame may hereafter be injoyed and peaceablie poſſeſſed be the Miniſters that are, and hereafter ſhall be provyded thereto. Without prejudice alwayes of the fewes, tacks, penſions and uther rights lawfullie made of whatſumever Manſes, Glebes, Lands and Teynds of any part of the ſaids Chapter Kirks to the parties having right to the ſame. And ſiklyke but prejudice to laick Patrons of their Patronages granted to them be the Kings Majeſtie with conſent of the Titulars for the tyme albeit the ſame be not ratified in Parliament, which ſhall no wayes be prejudged be this preſent Act. And with expreſſe reſervation of the Rights of the Priorie of Sanct-*Andrewes*, now erected in a Temporal Lordſhip in favours of *Ludovick* Duke of *Lennox* and his Heires, which ſhall remaine in the awne ſtrength and integritie, notwithſtanding of the Act of Reſtitution above-written, and any thing therein comprehended.

And als with reſervation of the Houſe and place of *Hamiltoun*, Biggings and Orchards, Yeards, and whole pertinents of the ſame, in ſo far as the ſame or any part thereof perteined of before to the Deanrie of *Glaſgow*, which his Majeſty and Eſtates reſerves furth of this preſent Act, to his truſtie Couſin JAMES, Marques of *Hamiltoun*, and his Succeſſours, to be halden of his Majeſty and his Highnes Succeſſours, as their immediate ſuperiours thereof for ever. And without prejudice to the Burgh of *Edinburgh*, of whatſomever rents, profits, tenements, annualrents, teind-ſheaves, and other commodities given, granted and diſponed to them for entertainment of their Hoſpitals, Colledge and Miniſterie. And ſiklike but prejudice of whatſomever teinds, few-mails or annualrents which perteined of auld to the ſaids Chapters in common, or to any Prebendar in particular, diſponed by his Majeſty to any Colledge within the Univerſitie of Sanct-*Andrewes*, Maſters or Burſers thereof, which his Majeſty with advice of the Eſtates, declares ſhall not be prejudged by this preſent Act. And als according to the reſtrictions, exceptions and limitations conceived in favours of Fewars, Tackſ-men, and others havand right particularly ſet down and expreſſed in the ſecond Act of his Majeſties eighteenth Parliament, concerning the reſtitution of the Eſtate of Biſhops. Which reſtrictions, exceptions and limitations, are halden as repeated and expreſt in this preſent Act. And to the effect that all ſick perſons who are and have been Tenents and Vaſſals to Deanes and other Members of Cathedral Kirks may be in certaintie known and by whom they ſhould be entred and received in the lands and others halden by them of the ſaids Deane and Members, or any of them.

Therefore it is Statute and ordeined by Our Soveraigne LORD and Eſtates, That when any ſik occaſion ſhall offer of receiving or entring of Vaſſals, or of changing of Tenents who comes in the Vaſſals places, either by alienation of the Vaſſals, or compryſing from him, or by any other lawfull manner, the direct ſuperiour of whom the ſaid Vaſſall immediatly held, ſhall be aſtricted and halden to do the ſame, and to enter all ſik perſons by himſelf (they doing their duetie to their ſuperiours as apperteins.) In the which caſe, OUR SOVERAIGNE LORD and Eſtates declares the conſent of the Prelate, or remanent Members of his Chapter, no wayes to be neceſſar to the ſaid entry or change of Tennents. And becauſe the Priorie of Sanct-*Andrewes* is now erected in ane Temporal Living and Lordſhip, the Prior whereof in former times was alwayes Deane of the Chapter of Sanct-*Andrewes*, and the Channons thereof were the Members of the ſaid Chapter which are now all aboliſhed, and to the effect there be not wanting ane Chapter to the ſaid Kirk.

OUR SOVERAIGNE LORD, with advice foreſaid, declares that the Miniſters ſerving the cure at the Kirks under-written, preſent and to come, ſhall be eſteemed the Chapter thereof. They are to ſay, The Prior of *Portmook*, who is principal of S. *Leonards* Colledge and Deane of the Chapter. The Arch-dean of S. *Andrewes*. The Vicar of S. *Andrewes*. The Vicar of *Leuchers*. The Vicar of *Cowper*. The Proveſt of *Kirkhill*. The Parſon of *Dyſert*. The Vicar of *Forgond*. The Vicar of *Inſhture*. The Vicar of *Kincaird*. The Vicar of *Fowles*. The Vicar of *Egliſhgreig*. The Vicar of *Roſſie*. The Vicar of *Linlithgo*. The Vicar of *Scoone*. The Vicar of *Fordun*. The Vicar of *Forgund* in Fyſe. The Deane of *Reſtalrig*. The Deane of *Dumbar*. The Vicar of *Kettill*. The Vicar of *Kennoway*. The Vicar of *Merkunch*. The Vicar of *Falkland*, and the Vicar of *Abercrombie*; being all twenty foure perſons, Which perſons ſhall have the adminiſtration, doing and performing of the affairs belonging to the ſaid Biſhoprick, and for the weale of the ſaid Cathedral Kirk, which were done of before by the Prior and his Chanons. And concerning the election of the Arch-biſhop of the ſaid Sea, whenſoever the ſame ſhall hereafter vaik.

OUR SOVERAIGNE LORD, with advice foreſaid, declares, ſtatutes and ordeines the ſaid Arch biſhop to be elected by eight Biſhops of his Diocie. They are to ſay, The Biſhop of *Dunkeld*. The Biſhop of *Aberdein*. The Biſhop of *Brechin*. The Biſhop of *Dumblain*. The Biſhop of *Roſs*. The Biſhop of *Murray*. The Biſhop of *Orkney*, and the Biſhop of *Caithnes*. And by five Miniſters ſerving the Cure of the Kirks under-written, to wit. The Principal of S. *Leonards* Colledge. The Arch-deane of S. *Andrewes*, The Vicar of S. *Andrewes*. The Vicar of *Luchars*, And the Vicar of *Cowper*. Which Biſhops and Miniſters, or the moſt part of them, ſhall have power in all time to come, to elect the Arch-biſhop when ever the Sea ſhall vaik, and ſhall remain hereafter the Chapter appointed by our Soveraigne LORD, and Eſtates, for the election foreſaid. The Vicar general for conveining of the which Electors, our SOVERAIGNE LORD & Eſtates declares to be now and in all time comming the Biſhop of *Dunkeld*, who

ſhall happen be for the time. And ſiklike OUR Soveraigne LORD, with adviſe of his Eſtates, declares, ſtatutes and ordeins, that the Archbiſhop of *Glaſgow*, whenſoever that Sea ſhall vaik, ſhall be elected by the three Biſhops of his Diocie, to wit, the Biſhop of *Galloway*, the Biſhop of *Argyle*, the Biſhop of the *Iles*, being for the time, and by his ordinar Chapter, or the moſt part of them, the Biſhop of *Galloway* being alwayes Conveiner of the ſaids Electors to the ſaid election. Which perſons ſhall have power onely in the ſaid election, ſeeing it is the expreſſe will and ordinance of his Majeſty and Eſtates, that the auld and ordinar Chapter of *Glaſgow*, and the other Chapter above-written, appointed for the Sea of Sanct-*Andrewes*, as ſaid is, ſhall have the only adminiſtration of theſe things, concerning the affairs tending to the weal of their Cathedral Kirks, and belonging thereto, as the auld Chapter formerly had, and theſe others Chapters before mentioned, appointed allanerly for election of the ſaids Arch-biſhops, ſhall no wayes be derogatory to the others ordinary Chapters eſtabliſhed for the handling of the affairs of their Seas in manner above-written.

ACT III.

Anent the Plantation of Kirks.

OUR SOVERAIGNE LORD, Conſidering that there be divers Kirks within this Kingdome not planted with Miniſters, where through Ignorance and Atheiſme abounds amongſt the People; and that many of thoſe that are planted, have no ſufficient proviſion or maintenance appointed to them, whereby the Miniſtery are keeped in povertie and contempt, and cannot fruitfully travel in their charges. Conſidering alſo that nothing is more properly belonging to his Princely care, than to ſee to the good eſtate of the Kirks within his Dominions, out of that zeale which his Majeſty beares to the promoving of the Kingdome of CHRIST.

AND for ane perfit remedie of thoſe evils, with advice & conſent of the Eſtates of Parliament, hes granted full power and commiſſion to the Lord Chancellour for the time, and to the reverend Fathers in GOD *John* Arch-biſhop of Sanct-*Andrewes*, *Iames* Arch-biſhop of *Glaſgow*, *Alexander* Biſhop of *Dunkeld*, *Alexander* Biſhop of *Aberdeine*, *Alexander* Biſhop of *Murray*, *Patrick* Biſhop of *Roſſe*, *Adam* Biſhop of *Dunblane*, and *William* Biſhop of *Galloway*: Eight perſons nominat for the Clergie and Prelats. And in-caſe of the deceaſe of any of them, To *Andro* Biſhop of *Brechin*, *George* Biſhop of *Orknay*, *Andro* Biſhop of *Argyle*, and *John* Biſhop of *Caithnes*: Which foure perſons, his Majeſty and Eſtates hes nominate to ſupply and become in the place of any of the other eight foreſaids, if any ſhall happen to deceaſe before this Commiſſion be finiſhed. To wit, the firſt of the foure in the place of the firſt of the eight deceaſing, and ſo in order ſucceſſively as they are named. And to *Iohn* Earle of *Marr* Lord Theſaurer, *Iames* Marqueſs of *Hamilton*, *Iames* Earle of *Abercorne*, *William* Earle of *Tullibardin*, *Robert* Earle of *Roxburgh*, *Iohn* Viſcount of *Lawderdale*, *Thomas* Lord of *Binning*, and *David* Lord of *Carnegie*, eight perſons nominate for the Nobilitie. And in caſe of any of their deceaſes, To *Alexander* Lord *Elphinſtoun*, nominate to become in the place of the firſt deceaſing, *Alexander* Earle of *Eglinton* in the ſecond, *Iohn* Earle of *Perth* in the third, and *Iohn* Lord of *Balmirrenoch* in the fourth. And to the Commiſſioners under-written nominate for the Barons: To wit, *William Douglas* of *Drumlangrig*, Sir *Walter Dundas* of that ilk, Sir *James Haliburnton* of *Pitcur*, Sir *Iohn Hamilton* of *Lettrik*, Sir *Iohn Wais* of *Barnbarroch*, Sir *Andro Murrey* of *Balwaird*, Sir *Alexander Gordon* of *Cluny*, and to Sir *George Auchinlek* of *Balmanno*. And incaſe of any of their deceaſes, to *Thomas Vrquhard* Sherriff of *Cromartie*, Sir *Alexander Strachan* of *Thorntoun*, *Ioſias* Steward of *Boniton*, and Sir *Robert* Steward of *Schillinglaw*, perſons nominate to become in order as they are named in places of any of the eight deceaſing. And to *Iames Arnot* Burgeſſe of *Edinburgh*, Maſter *Alexander Wedderburne* Clerk of *Dundie*, Sir *Thomas Menzies* Proveſt of *Aberdein*, *John Scherar* Burgeſſe of *Sterling*, *Andro Milne* Burgeſſe of *Linlithgo*, *John Osburne* Burgeſſe of *Air*, *John Matheſon* Clerk of *Carel*, and Sir *George Bruce* of *Carnock* Knight, Burgeſſe of *Culros*, eight perſons nominate for the Burrowes. And in caſe of any of their deceaſes, to *Alexander Clerk* Merchant Burgeſſe of *Edinburgh*, Maſter *William Ferguſon* Burgeſſe of *Dundie*, *George Nicolſon* Burgeſſe of *Aberdein*, and *Iohn Williamſon* Clerk of *Sterling*: Perſons nominate to ſupply in order any of the other eight Commiſſioners foreſaids deceaſing. Which foreſaids Commiſſioners, or any five of ilk Eſtate nominate, as ſaid is, conſenting and agreeing in ane voice, ſhall have power to convein, conſult, and to determine upon the matters, and in manner under-written. Providing alwayes, that there is and ſhall be neceſſarily requiſite to the validitie of any Act, concluſion, ordinance and determination of the ſaids Commiſſioners, the conjunct aſſent of five of every ane of the ſaids foure Eſtates, all agreeing together in ane voice, without the which conſent of the ſaids five of ilk Eſtate ſo agreeing, the reſt of the ſaids Commiſſioners ſhall have no power to make any valide or effectual concluſion by vertue of this preſent Commiſſion, but whatſoever ſhall be otherwayes done, is declared to be of no availe, force nor effect. That is to ſay,

OUR SOVERAIGNE LORD & Eſtates of Parliament by the tenour hereof, gives, grants, & commits full power & authoritie to the ſaids Commiſſioners to meet and convene in the Town of *Edinburgh*, at ſik time and times as they ſhall appoint and finde convenient, and there to call and ſummond before them, all Patrons, Tacksmen of teinds great and ſmall, and all others having right by whatſomever title to the Teinds within this

this Kingdome, as they ſhall think neceſſar and expedient to exhibite and produce before them their rights and titles, whereby they claime the ſaids teinds to be ſeene and conſidered be the ſaids Commiſſioners, With power to them out of the ſaids teinds of every Parochin, to appoint and aſſigne at their diſcretions ane perpetual local ſtipend to the Miniſters preſent and to come at all Kirks that ſhall be found by them either as yet not provided at all, with Miniſters and ſtipends, or where the proviſion is leſſe nor five hundreth marks of yearlie rent in money, or five Chalders victual (by manſe and gleibe) or ſik proportion particularly of ſilver and victual, as will effeir and extend to five hundreth Marks or five Chalders victual yearly, & which is the leaſt and the meaneſt ſtipend and proviſion determinate, appointed, and declared by his Majeſty and Eſtates, to be given and aſſigned to any Miniſter for his locall ſtipend in time comming, where the fruits of the Benefice will extend to that quantitie in maner under-written, and that notwithſtanding of any right or title pretended by the ſaid Tackſ-men, or others in whoſe favours Teinds have been erected, With ſpecial power alſo to the ſaids Commiſſioners, to unite ſik Kirks, ane or moe as may conveniently be unite, Where the fruits of any one alone will not ſuffiſe to entertain ane Miniſter. In the which caſe of union of ſik Kirks, if it fall out that neceſſitie offer to unite Kirks belonging to the preſentation of divers Patrons, the preſentation of the Miniſters ſhall be appointed by the ſaids Commiſſioners to pertain to the Patrons (*alternis vicibus*) to the which Commiſſioners his Majeſtie and the Eſtates does recommend and refer to conſider and appoint farther ſik ſolide order as may be beſt taken, and ſtand with the leaſt prejudice of any of the Patrons, and as they ſhall be found to have more or leſſe intreſt in the Kirks to be ſo united. It is alwayes provided, that whereas there are divers Kirks whereof the fruits of any one will not extend to the quantity of five Chalders victual, nor five hundreth marks of ſilver in yearly commoditie, and that the rents and whole patrimonie thereof are nowayes anſwerable to that proportion, and ſo is not ſufficient the alone for the full maintenance of ane Miniſter, and yet nevertheleſſe for diſtance of place, or other lawful cauſes may be found incommodious to be united, whereby neceſſity will evince, that every Kirk in that eſtate, ſhould be planted with their own particular Miniſter to ſerve thereat, whoſe proviſion behooves neceſſarily to conſiſt of the fruits of the Benifice it ſelf, how mean ſoever the ſame be.

THEREFORE IT IS Declared that it ſhall be ſufficient to the ſaids Commiſſioners in that caſe to aſſigne & appoint to the Miniſter to be planted at any ſik Kirks the whole fruits perteining to the Patrimony thereof, by and attour his manſe & gleibe. Which fruits are to be injoyed by him and his ſucceſſours thereafter, as their perpetual Local ſtipend and proviſion. And to the end the ſaid Commiſſion may take the better effect, and for ane ſolide order anent the proviſion of the ſaids Kirks, with their certaine definite ſtipend, and that it may be clearly known what ſhall be the proportion and quantitie of any ſtipend, which ſhall be hereafter appointed to every Miniſter, at any Kirk, either not provided at all, or not ſufficently provided, as ſaid is.

OUR Soveraigne LORD and Eſtates Declares, that the leaſt and meaneſt ſtipend which they have appointed to be hereafter provided by the ſaids Commiſſioners to any Miniſter ſhall not be under and within the quantitie of five chalders victuall, or five hundreth marks of money, or proportionaly part of victual, and part thereof in money, according as the fruits and rents of the Kirk may yeeld and afford, and as the ſaids Commiſſioners ſhall think expedient, effeirand to the ſaids five chalders victual, or five hundreth marks money, by and attour their manſe and gleibe, where the whole fruits of the Kirk will extend to the quantitie foreſaid, and that the greateſt and moſt ſtipend which the ſaids Commiſſioners ſhall have power to aſſigne for ſtipend to any Miniſter at any of the ſaids Kirks, aither not planted or planted, and provided with ſtipends within and under the ſaid five chalders victuall, or five hundreth marks of money, as ſaid is, ſhall not exceed the quantitie of Ten chalders victual, or ane Thouſand marks of money, and proportionally part of money, and part of victuall, at the conſideration of the ſaids Commiſſioners, as they ſhall finde by examination of the rents of the Kirk moſt conveniently may be payed by and attour their manſe and gleibe. Swa the greateſt ſhall be ane Thouſand marks, or Ten chalders victuall with manſe and gleibe, and the leaſt five hundreth marks, or five chalders of victual, with manſe and gleibe, except where the whole fruits of the Kirks will not extend to thar quantitie, as ſaid is. And finds and declares, that all Kirks which are planted with Miniſters, whoſe ſtipends extends to five chalders victual, or five hundreth marks of ſilver or part of both' effeirand to the whole by their manſe and gleib, (the ſame being made ſure to them) are expreſly excepted out of this Commiſſion, and no wayes comes under the compaſſe thereof, neither ſhall the ſaids Commiſſioners have any power by vertue hereof to meddle with any Kirks or ſtipends which are in that caſe, ſeeing the ſaid Commiſſion is not extended to the ſame. IT IS alſo provided, that where any Kirks are already ſufficiently provided, albeit their proviſion does exceed the foreſaid quantity of ten chalders victuall, or ane thouſand marks of money, And als where the fruits of any Benefice are in the poſſeſſion of the Miniſter, that the ſame ſhall be continued in the eſtate wherein it is at the preſent, and not to be medled with by vertue of the ſaid Commiſſion. And becauſe reaſon and equity craves, that recompence ſhould be made unto the Tackſmen and others perſons whatſomever, who ſhall be by the ſentence of the ſaids Commiſſioners hurt and prejudged of their preſent profit, which they may lawfully bruik by vertue of their titles and rights, eſtabliſhed in their perſons, and upon whom by vertue of the ſaid ſentence, any burden of the ſuſtentation and proviſion of the ſaids Kirks and Miniſters is to be impoſed.

Therefore OUR ſaid Soveraigne LORD and Eſtates of Parliament gives full power and commiſſion to the ſaids Commiſſioners, ſo to proceed in the determining of the ſaids recompences, That incaſe the Lord

or

or any other having right to erected Prelacies, who ſhall be cited before them, refuſe to take the burden of plantation of any Kirks belonging to the ſaids erected Prelacies, which are not planted, or to help ſik other Kirks of the ſame, as are not well and ſufficiently provided, according to the tennour of the foreſaid Commiſſion, and that upon their refuſall (the ſaid refuſal being firſt found reaſonable by the ſaids Commiſſioners) the burden of the ſaid plantation, or farther proviſion, ſhall be laid and impoſed by the ſaids Commiſſioners, in whole, or in part, either upon the principal Takſmen of any of the fruits of the ſaids Kirks. Or incaſe if the Tackſmen refuſe, the burden be impoſed upon the Sub-takſmen thereof, the ſaids Commiſſioners ſhall have power to decerne, appoint, and ordein ſik parricular recompence to be given to the ſaids Takſmen, or Sub-takſmen, by renewing of their tacks or ſub-tacks, after the expiring thereof, upon ſik conditions as the ſaids Commiſſioners ſhall finde reaſonable, reſpect being had to the qualitie and proportion of the burden to be impoſed upon them within the time of their taks and rights, farther then they are aſtricted by their ſaids rights, or by appointing ſik other reaſonable ſatisfaction as they ſhall finde the ſaid burden and diſtreſſe undergone by any of them, ſhall deſerve and require.

Lykeas the ſaids Commiſſioners ſhall have ſiklike power to determine, decerne and appoint ſik particular ſatisfaction and recompence to be given either to laick Patrons, or to the Takſmen of the fruits of the Kirks belonging to the like Patronages and Sub-takſmen thereof, as they ſhall think may be anſwerable to the burdens to be impoſed upon either of them for the cauſe above-written proportionally. In the preſcryving of the which recompence, the ſaids Commiſſioners ſhall have ſpecial reſpect, what conſideration they finde reaſonable to be given to the ſaids Patrons for their conſents to the tacks, if any ſhall be appointed and decerned to be ſet and given to the ſaids tackſmen for recompence foreſaid. And if any beneficed perſon upon juſt and reaſonable cauſes, refuſes to provyde any Kirk belonging to their Benefice, according to the order hereby preſcryved, whereby the burden of plantation, or farther proviſion of the Kirk, muſt neceſſarily lye upon the Tackſmen or Sub-tackſmen of the fruits thereof. The ſaids Commiſſioners in that caſe alſo ſhall decerne ſik recompence to be given to the ſaids Tackſmen and Sub-tackſmen for their loſſe and prejudice ſuſtained, as the ſaids Commiſſioners ſhall finde the ſame ſhall merit, by renewing of taks to them upon ſik conditions as may requite their loſſe, or by finding out ſome other reaſonable meane which may repair the ſame. And OUR ſaid Soveraigne LORD, with advice and conſent of the ſaids Eſtates, Declares, Statutes and Ordeins, That all tacks which ſhall be decerned by the ſaids Commiſſioners to be given in recompence to any perſon whatſomever for the cauſes above-written, and which ſhall be ſet for obedience, and conforme to the ſaid decreet and ſentence; whatſomever yeares, or long ſpace the ſaids tacks ſhall comprehend, ſhall be good, lawful, and ſufficient ſecurities to the perſons in whoſe favours the ſame are appointed to be given and conceived, neither ſhall the ſame be any wayes prejudged by the Act made in this preſent Parliament, by the which it is ſtatute that no Archbiſhop, Biſhop, or Prelate ſhould ſet in tack any part of their patrimonie for longer ſpace nor nineteen yeares, and that no inferiour Beneficed perſon ſhall ſet in tack any part of their Benefice for longer ſpace nor their awne life-times, and five yeares thereafter, as the ſaid Statute proports, fra the which Statute, the ſaids tacks ſo appointed to be ſet and given in recompence, are and ſhall be excepted and reſerved, and ſhall no wayes come under the compaſſe of the ſaid Act and Statute, nor any thing therein conteined, but the ſame ſhall remaine and abide valide and ſufficient rights for the whole ſpace and yeares appointed therein according to the tenour thereof notwithſtanding of the ſaid Act and Statut.

AND becauſe it may fall furth that in the recompens to be appointed by the Commiſſioners to the Patrons, Tacksmen, & Sub-tacksmen for the foreſaid burding to be impoſed upon them, moe yeares may be aſſigned for prorogation of their preſent tacks nor may lawfullie or conveniently be ſet be the preſent beneficed perſons to whom be Law the ſetting of tacks of Teinds belonges. FOR remeid thereof OUR Soveraigne LORD with adviſe & conſent of the ſaids Eſtates Declares, Statuts and Ordeins, That it ſhall be lawful to the Commiſſioners foreſaids to appoint als many years after the expyring of the preſent tacks to the tackſmen of the ſaids Kirks and Teinds or to the Patrons or ſub-tackſmen *reſpective* for bruiking of the ſaids teinds for recompence of the ſaid burding as they ſhall think reaſonable, which ſhall be als good, valid and ſufficient rights to the ſaids Patrons tackſmen & ſub-tackſmen *reſpective*, and to their heirs and aſſignayes, for bruiking and poſſeſſing and diſponing upon the ſaids teinds during the ſaids years of prorogation, as if good, lawful and valide tacks and rights of the ſaids teinds had been ſet and made to them be the Titulars of the benefices to whom the ſame belonged, with conſent of all parties having entreſſe. With expreſſe proviſion and declaratione that at the expyring of all the ſaids years, the right of the ſaids teinds and power to ſet tacks thereof, ſhall returne and appertain to the ſaids Titulars of the foreſaids Benefices, as they did before the making of this preſent Act.

And OUR ſaid Soveraigne LORD, with advice of the ſaids Eſtates, Declares and ordeins this Commiſſion to laſt and endure to the feaſt and tearme of Lambes, in the year of God one thouſand ſix hundreth and eighteen years, After the which time the ſame ſhall ceaſe and expire. And Ordeins the decreet and ſentence of the ſaids Commiſſioners in all the particulars foreſaids, and every ane of them, to have the ſtrength, force and authoritie of ane decreet ſentence, and Act of Parliament. For obedience whereof the Lords of Seſſion ſhall direct and grant Letters in forme as effeirs, and according as ſhall be neceſſar, Which Commiſſon above-written, taking force and full effect in all the ſaids particulars therein conteined, as the ſame are ſet down and comprehended therein, by pronunciation of decreet and ſentence upon the ſame, conforme to the power therein comprehended, given to the ſaids Commiſſioners.

OUR

OUR SOVERAIGNE LORD with the expreſſe conſent and aſſent of the Eſtates in that caſe, Findes and declares, that no perſon in whoſe favours the teinds of Kirks and Benefices are erected, nor no other whatſomever bruiking teinds, by vertue of Rights lawfully made to them of the ſame, according to the Lawes of this Realme then ſtanding, ſhall be ever farther altered or quarrelled in any of their ſaids Rights, in any time to come, farther then ſhall be appointed by the ſaid decreet and ſentence to follow upon this preſent Commiſſion; but the ſaids rights and ſecurities in-caſe foreſaid, ſhall remain in the awne ſtrength, force and effect, as good, lawful, and ſufficient rights and ſecurities to them and every ane of them for their awne parts, for bruiking and injoying the ſaids teinds, conforme to the tennour of the ſaids rights, for now and ever.

ACT IV.

Anent the ſetting of Tacks by Prelats, and other beneficed perſons.

OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of Parliament, Statutes and Ordeins, That no Archbiſhop, Biſhop, or other Prelat within this Realm, ſhall hereafter ſet in tack and aſſedation any part of their Patrimonie, for longer ſpace then nineteen years. And that no inferiour beneficed perſon, ſhall ſet in tack any part of their Benefices, for longer ſpace then their own life-times, and five yeares after their deceaſe, under the pain of deprivation of the perſons contraveiners from their offices and benefices, and to be repute from that time forth, infamous and incapable of any publick function in the Kirk. And for the better diſcovering of the tacks that ſhall be ſet by inferiour beneficed perſons, for longer ſpace then is above-written.

IT IS Ordeined, that all the tacks that ſhall hereafter be ſet by any of them, for longer ſpace then is before mentioned, ſhall be Regiſtrat in ane Book, which the Clerk of Regiſter ſhall keep for that effect, within the ſpace of fourtie dayes after the ſetting of the ſame tack, otherwiſe the ſaid tack ſo ſet for longer ſpace, ſhall be null and of no effect to the tackſmen thereof, by way of exception or reply, without any other action, proceſſe, or declaratour of Law.

IT IS alwayes declared, that this Statute ſhall no wayes be extended to any tacks or ſub-tacks, or conditions for ſetting of tacks or ſub-tacks for longer ſpace nor is above-written, Whereas the ſame depends and are made or appointed to be made, conforme to the Commiſſion granted by OUR Soveraigne LORD, with advice of the Eſtates of Parliament for plantation of Kirks, in manner as is ſpecially ſet down in the ſaid Commiſſion.

ACT V.

Addition to the Act anent dilapidation of Benefices.

OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of Parliament, Ratifies and approves the Act of his Highnes Parliament halden at *Perth* the ninth day of July, the year of God 1606. *Anent the dilapidation of the rents of Prelacies, With this addition*, Whereby his Highnes and Eſtates foreſaids, Findes, decernes and declares all tacks or aſſedations to be made of any Quotes of Teſtaments, or any other caſualtie perteining to the ſaids Prelats in time comming, to be null, and of no avail, force, nor effect, and that it ſhall not be lawful to any Prelate within this Kingdome hereafter to diſpone, alienate or ſet any of his caſualties, in whole or part, longer nor during his awne life-time allanerly, but prejudice of the tacks, if any be ſet before this Act, as accords of the Law, to the whilks thir preſents ſhall no wayes be extended.

ACT VI.

Anent furniſhing of neceſſars for miniſtration of the Sacraments.

OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of Parliament, Ordeines that all the Paroch Kirks within this Kingdom be provided of Baſins and Lavoirs for the miniſtration of the Sacrament of Baptiſme; and of Cups, Tables, and Table-Cloathes, for the miniſtration of the holy Communion; which ſhall be received to that uſe by the Miniſter of the Parochin, in ſik convenient place as he ſhall finde meet, for which he and his heires and executors ſhall be anſwerable to the Parochin, in-caſe the ſame be loſt, or otherwayes uſed to any profane uſe. And ordeins the expences thereof, to be made by the Parochiners, and the Miniſters of every Kirk to do their diligence for providing the ſame, by cauſing the Parochiners ſtent and taxe themſelves to the effect foreſaid, betwixt and the firſt of Februar next, under the pain of loſing ane years ſtipend. And for putting the ſaid Act in execution, Ordeins the Lords of his Majeſties Councel and Seſſion, to give forth their Letters for charging the Parochiners to conveene and taxe themſelves to the ſaid effect, and make payment of the money wherein they ſhall be ſtented, as the ſame ſhall be required.

ACT VII.

Anent unlawes of abſents from Parliament.

OUR SOVERAIGNE LORD, and Eſtates of this preſent Parliament, hes ratified and approven, and by the tennour hereof Ratifies and approves the thirtie fourth Act of his Highnes elevinth Parliament, 1587. Intitulat (the unlaw of abſents from Parliament) in the whole heads and clauſes thereof, after the forme and tennour of the ſame in all points; with this addition, that the unlaw of the Commiſſioners of Barons through their abſence from Parliament, ſhall be ane hundreth pounds money. And declares that no excuſe ſhall be received nor admitted hereafter for abſence from Parliament, except their Licence be granted by his Highnes under his note and ſuper-ſcription, if his Majeſty be preſent within the Realme for the time, And in his Highnes abſence, by his High Commiſſioner of Parliament: and in-caſe of the ſaid Commiſſioners abſence, their Licence to be granted and ſubſcryved by the Lord Chancellour, and Lords of Secret Councel, to be produced judicially the firſt day of the ſenſing of ilk Parliament, to the Clerk of Regiſter and his Deputes. And farther declares, that in time coming it ſhall be lawful to whatſomeve Duke, Marques, Earle, Vicount, Lord, or Prelat within this Realme, being abſent from the Parliament, and lawfully excuſed, as ſaid is, to ſend ane ſufficient power ſubſcryved with their hands to any one of that eſtate, having place and vote in Parliament, who ſhall be admitted to reaſon and vote in Parliament, and whole dyets thereof, for that perſon abſent, ſiklike and als freely in all reſpects as if he had been preſent himſelf. And ordeins the ſaid former act with this preſent, act at ilk Parliament, to be execut with all diligence. And the penalties therein mentioned to be up-lifted to Our Soveraigne Lords uſe, by his Highnes Theſaurer.

ACT VIII.

Anent the Juſtices for keeping of the Kings Majeſties Peace, and their Conſtables.

OUR SOVERAIGNE LORD, with advice and conſent of the Eſtates of Parliament, having conſidered the Articles and Inſtructions given of before by his Majeſty to the Juſtices and Commiſſioners, appointed for keeping of his Majeſties Peace, and to their Conſtables which were preſented to his Highnes, and unto the ſaids Eſtates, by the ſaids Juſtices, and defired to be authorized by decreet and ſentence of Parliament: Hes ratified and confirmed the ſame in manner as they are particularly here ſet down and expreſſed in every point and article thereof, of the which the tennours followes. That is to ſay.

The Commiſſioners and Juſtices of Peace at their firſt admitting upon the Bench, ſhall give the Oath following:

YOU ſhall ſwear, that you as one of the Commiſſioners and Juſtice of Peace within the Shire of &c. according to your knowledge, wit and power, ſhall do equal right both to rich and poor, conform to the Lawes and Cuſtomes of the Land and Statutes thereof: And that you ſhall not be of Counſel with any perſon in any quarrel or matter depending before you, and that you ſhall every quarter keep the Seſſions, or oftner as you ſhall be required, not having any juſt impediment to the contrary: and ſhall faithfully and truly diſcharge your duetie, as ane Juſtice of his Majeſties Peace, and ſhall leave nothing undone, that may tend to the preſervation of the ſame. So help you God.

II

ANY one Juſtice ſhall have power upon complaint of any perſon, being threatned, and fearing to be wronged, to binde the party complained upon, under ſuch a pecunial ſum, to keep the Peace, as he ſhall think fitting. As alſo to commit him, until ſuretie be found by him, the ſaid complainer alwayes giving his Oath before the Juſtice, that he hath juſt cauſe to dread his harm. And albeit no perſon complain, yet if the Juſtice be credibly informed, of appearance of trouble betwixt any parties, he ſhall binde them to the Peace in manner aforeſaid: except the parties declare upon their conſciences, that neither of them doth beare any grudge to other. And all ſuch bands ſhall be kept in record by him, and he ſhall make deliverie of the ſame to the Clerk of the Peace, at the next Seſſion, to be kept and regiſtrated by him.

III.

IF any perſon, being charged to make his appearance before a Juſtice of Peace, ſhall refuſe or delay without cauſe: if the partie bee a landed Gentleman, whoſe rents exceed ten chalders of victual, or a thouſand marks of ſilver; then the Juſtice (whoſe command is contemned) ſhall informe the ſame to ſome of the Lords of His Majeſties privie Counſel: to the effect the party of the quality foreſaid may bee called and fined for his diſobedience. And if the diſobeyer be of a meaner degree, the Juſtice ſhall hereby have

have power to command the next conſtable: or in abſence of a conſtable, his owne ſervant, or any other perſon, having a warrand in writ, ſubſcrived by the ſaids Juſtice of Peace, with aſſiſtance of the countrey, to bring any ſuch partie before him.

IV.

IF either the Sheriff or Bailie ſhall condemne any perſon in a bloodwyte, or otherwiſe convict him in any paine proper for him to impoſe, the Juſtice ſhall have no power of new to fine that offender for that offence: but if they ſhall finde him not condignly puniſhed in regard of the offenſe committed by him, they ſhall then inform his Majeſties Counſel thereof, that they may take order therewith. And if there be no ſatisfaction made by the Sheriff or Bailie to the partie offended, the Juſtices may modifie reaſonable ſatisfaction to the party offended, hee purſuing therefore before them: and if they ſhall finde the ſatisfaction diſcerned by the Sheriff or Bailie in favours of the ſaid partie offended, not condigne nor anſwerable to the offence, and wrong ſuſtained, then they ſhall alſo informe his Majeſties Counſel thereof, that they may take order therewith as appertaineth.

V.

IF either Sheriff or Bailie, or other Deputies by colluſion with the delinquent, ſhall ſuffer any perſon guilty to be quited or cleared by an Aſſiſe (the partie once cleared, is not to be brought further in queſtion before the Juſtices) but upon their information, the Judges are to bee called, cenſured, and ſeverely puniſhed by his Majeſties Counſel.

VI.

THE ſaids Juſtices ſhall hereby have power to proceed upon all perſons, committing ryots, and breaking the Kings Peace, under the degree of Noblemen, Prelates, Counſellers, and Senators of the College of Juſtice: and to puniſh and fine according to the quality of the crime, and the eſtate of the offender. And if any of the ſaids perſons being charged to compear before the ſaids Juſtices, ſhall diſobey the ſummonds being indorſed, the lawful citation verified and fact proven, the Juſtices ſhall puniſh and fine the not compearing, according to the quality of the crime, and the eſtate of the offender. And for the more clear determination of the order which ſhall bee kept by the ſaids Commiſſioners in the deducing of any ſuch proceſſe. Our Soveraigne Lord, with adviſe of the Eſtates declareth, That it ſhall be lawful to the ſaids Juſtices whenſoever they have any occaſion to move any action againſt parties for committing any like fact or riot, to referr the firſt ſummonds to the parties Oaths of verity (incaſe of inlake of other lawful probation) who being perſonally ſummoned by that firſt citation, ſhall be holden as confeſt, and decreit to be pronounced againſt him, conform to the libell and ſummonds. And if he be not perſonally ſummoned by the firſt citation, the ſaids Commiſſioners ſhall be holden to cauſe ſummond him of new againe, by a ſecond ſummonds, at his dwelling place: which two citations ſhall be als ſufficient to infer decreit, and ſentence upon the libel againſt him, as if hee were apprehended perſonally. And which ſentence given after the manner and forme of probation above-written; His Majeſtie with adviſe foreſaid, authorizes and ſuſtaines as good and lawful in themſelves. And concerning theſe perſons of higher degree, the ſaids Commiſſioners ſhall uſe all their power for preventing and ſtaying of the riots, commanding the attempters in his Majeſties name to ceaſe, and to finde caution for keeping of the peace, and for their compearance before his Majeſties Counſel. And if any perſon, being charged to finde caution, and refuſeth or delayeth to do the ſame, and in the mean time contraveeneth the ſaid charge, by committing of ſome deed betwixt the time of the charge and finding of the caution: nevertheleſſe he ſhall be anſwerable for the paine from the date of the charge, like as if caution had been then found.

VII.

THE ſaids Commiſſioners ſhall put his Majeſties Acts of Parliament to due and full execution againſt wilful Beggers and Vagabounds, Solitarie and idle Men and Women, without calling or trade, lurking in Ale-houſes, tyed to no certain ſervice, repute and holden as vagabonds: and againſt theſe perſons who are commonly called Egyptians: and they ſhall puniſh and fyne their recepters, and ſetters of houſes to them accordingly, by ſuch competent paines as is proper to them to injoyne.

VIII.

THE ſaids Commiſſioners and Juſtices of Peace, are hereby authorized, with power to give order (as they ſhall think moſt convenient, and with leaſt grief to the ſubjects) for mending of all High-wayes and paſſages, to or from any Market towne or Sea-port within that Shire: and ſhall call before them all ſuch perſons as ſhall ſtraite theſe paſſages or otherwayes (as by caſting of Ditches and fuſeis thorow the ſame) ſhall make thoſe High-wayes noyſome and troubleſome unto paſſengers, and ſhall puniſh and fyne them according to the qualitie of their offenſe. And to the effect it may be known of what breadth all common High-wayes ſhould be to Market townes, Our Soveraigne Lord, with advice foreſaid, declares, that the ſame ſhould be of twentie foot of meaſure in breadth at the leaſt: and where any are of larger breadth, they ordaine the ſame ſo to remain unaltered or ſtraited: and that the ſaids Juſtices maintaine the ſame, with all other wayes from any town in the Paroch, to the Paroch Churches, in the eſtate as they are: and where they finde any neceſſitie of other wayes from any town in the Parochin to Paroch Churches, they ſhall informe his Majeſties Secret Councel thereof, who ſhall give them (after ſufficient informa-

tion) their direction thereanent: according whereunto they ſhall be holden to proceed. And if any perſon refuſe to concur for mending of high-wayes and paſſages, the ſaid Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion: with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeveritie or rigour, as may move juſt complaints againſt them; they ſhall be cenſured therefore by his Majeſties Secret Councel, as appertaineth.

IX.

THe ſaids Commiſſioners ſhall put his Majeſties Acts of Parlirment to Execution, againſt cutters and deſtroyers of Planting, Green-wood, Orchards, Yeards, Haynings. breakers of Dove-houſes and Coningers, Stealers of Bees and Bee-hyves, uſers of unlawful games with lying dogs, ſlayers of red and black fiſh and ſmolts in forbidden time, Fowlers fowling in other mens lands, makers of moore-burne and moſſe-burne, ſetters of cruves or nets in waters and dammes, having and keeping of cruves and yares in forbidden time: and ſhall proceed againſt them accordingly: And for their better warrand to proceed in the premiſſes, IT is his Highnes pleaſure, that commiſſion ſhall be granted to the ſaids Juſtices of Peace, to try and puniſh the violaters of the ſaids Acts, in the tryal whereof they ſhall proceed by witneſſes, by Oath of partie, and the puniſhment to be inflicted by them, ſhall be a pecunial ſumme, anſwerable to the circumſtance of the offenſe, and the qualitie of the offender: with ſpecial proviſion, that their cenſures and puniſhment ſhall extend againſt none but thoſe againſt whom by the priviledge of their inſtructions they may lawfully proceed, and alſo with proviſion that the ſaid commiſſions be not extended to any perſons who ſhall be arreſted and conveined for the ſaids crimes before any other ordinary Judges. It is alſo provided, that the ordinance and power contained in this Article, ſhall no wayes be prejudicial to any other commiſſions or rights whatſoever, granted to others parties, whereby they have power to proceed and cenſure the crimes and offenecs above-written.

X.

ITEM, they ſhall informe the Kings Majeſties Councel, and his Highneſſe Theſaurer or Advocate, at the leaſt once every yeare, of fore-ſtallers or regraters of Markets, that order may be taken with them conforme to the Acts of Parliament.

XI.

IT ſhall not be licenced to any Hoſtler to recept any maſter-leſſe men and Rebels at the Horne, any vagabounds, or other perſons guilty of knowne crimes, or uſing ſtouth and reaſe, under the paines underwritten, To wit, fourty ſhillings to be incurred by them for the firſt fault, foure pounds for the ſecond, and ten marks for the third, together with the loſing of the libertie of Brewing, the incurrers of the which pains, ſhall be puniſhed according to the order aforeſaid, by the Barons and Maſters of the ground whereupon the Hoſtler dwelleth, within the ſpace of fifteen dayes after the committing of the fact. And if the ſaids Barons and Heretours neglect to do the ſame within the ſaid ſpace, it ſhall be lawful to the ſaids Juſtices to purſue and fyne the Delinquents in their Courts, according to the paines foreſaid, and to uplift the ſame from them: without prejudice alwayes of whatſoever others Acts made againſt the ſaid Hoſtlers in the Barons Court-bookes under whom they dwell, bearing any higher pain than as is ſet down in this above-written Act; and alſo without prejudice of all action criminal or civil, competent of the Law, againſt the ſaid Hoſtlers, in caſe they be under the danger thereof, which ſhall not be taken away by any puniſhment ſet downe, and to be inflicted, conforme to this Act.

XII.

ITEM, They ſhall informe the Kings Theſaurer and Advocate, of breakers and contraveiners of the Acts of Parliament made againſt Malt-makers, that the tranſgreſſours and contraveiners thereof may be puniſhed, conforme to the tennour of the ſaids Acts.

XIII.

THey ſhall ſet down order in the Countrey for governance in time of Plague, and ſhall puniſh ſeverely the diſobeyers of the order appointed by them, according to the quality of the delict.

XIV.

THey ſhall appoint at their Quarter-Seſſions, to be kept in Auguſt and February, the ordinare hyre and wages of Labourers, Workmen and Servants, and who ſhall refuſe to ſerve upon the price ſet down by them, ſhall be impriſoned, and further puniſhed at their diſcretion. And to the effect, that ſervants may be the more willing to obey the ordinances to be made by the ſaids Juſtices and the ſaids fees, the ſaids Juſtices ſhall have power to diſcerne, and compel the Maſters to make payment of the fees appointed by their ordinance, in-caſe the Servants pleaſe rather to purſue for the ſame before them than any other Judge.

XV.

THE ſaids Commiſſioners ſhall take notice in all Scherrifdomes where there are any Geailles and Priſon-houſes within any Burgh, that the ſame may be kept up, and not ſuffered to decay or become ruinous.

And

And if there be any Shire where there is not any Geaille or Priſon-houſe, they ſhall inform his Majeſties Councel thereof, that they may appoint and give order for building of one within the head Burgh of the Shire, and according to the directions to be given there-anent, the Juſtice ſhall be holden to proceed.

XVI.

AND becauſe there be a great many of Priſoners apprehended and committed, who having no meanes of their owne for their maintenance and entertainment, will otherwiſe famiſh and ſterve before they can come to their tryal: who not the leſſe in regard of the crimes they have committed, can no wayes be put under ſurety, or otherwiſe in faults of leſſe conſequence, are unable to finde ſufficient caution to be made forth-coming and anſwerable at the next Seſſion. Therefore it ſhall be lawful to the ſaids Commiſſioners, and Juſtices at their Quarter-Seſſion, to rate every Parochin for a weekly proportion for the entertainment of thoſe poor Priſoners, providing they do not exceed the ſumme of five ſhillings Scots money, at the moſt, nor under one ſhilling at the leaſt: which ſumme ſhall be up-liſted for that uſe by the Miniſter or Reader, who ſhall ſerve at every Paroch, from ſuch Deacons who ſhall be appointed to collect the ſame: and the ſaids ſums to be delivered by the Conſtable of the Paroch, at the Quarter-Seſſions, in preſence of the whole Bench then conveened, to ſuch perſons as the ſaids Juſtices ſhall truſt therewith, and who accordingly ſhall make due account in paying the Geailers ſuch rates as ſhall be allowed for the poor Priſoners, and making the reſt forth-coming for ſuch uſe and intent of the like nature, as the ſaids Juſtices ſhall appoint.

XVII.

ALL Magiſtrats of Burghs, and keepers of any Gailes or Priſons, ſhall receive into their Priſons all ſuch perſons as either ſhall be brought by Conſtables, or ſent unto them by warrands, under the hand of any one Juſtice of Peace (the ſaids Juſtices cauſing ſatisfie for their entertainment) and if any Magiſtrates, or their Gailers, ſuffer any perſons, committed by the Juſtices to their priſons, to eſcape, they ſhall be condignely puniſhed therefore, at the diſcretion of his Majeſties Councel.

XVIII.

ITEM, Our Soveraigne Lord with advice foreſaid, ordains the ſaids Commiſſioners to ſet a price upon Crafts-mens work, and upon the ordinars of Penny Brydals, together with the price of Shearers fees, and to puniſh the contraveeners as appertaineth.

XIX.

THey ſhall cauſe ſufficient ſingle and double Ale to be brewed in every Shire, and ſhall appoint viſitors to that effect, with conſent of the Baron and Over-Lord of the Ground. They ſhall ſet down Acts againſt notorious and common Drunkards, and impoſe ſummes upon the contraveeners, according to their qualities and deſerts.

XX.

OUR Soveraigne Lord, with advice aforeſaid, declareth that three Juſtices of Peace ſhall be a full number and Seſſion to decide in matters occurring betwixt the four Quarter-Seſſions.

XXI.

ALſo declares, that no Letters of Caption ought to be granted againſt the ſaids Juſtices for apprehending of Rebels, except they be found ſubject to do the ſame by poſſeſſing of ſuch other Offices and places, to the which the obedience and putting to execution of any ſuch charges doth belong.

XXII.

AND becauſe there is ſenſible prejudice ſeen and felt through many parts of the Kingdome, by reaſon of the diverſitie of Meaſures and Weights uſed in the ſame, Therefore OUR SOVERAIGNE LORD, with advice foreſaid, for removing of all abuſes, which may enſue in any time to come thereby, Hath found expedient, and by this Decreet and Statute of Parliament, decernes, ſtatutes, and ordaines, That there ſhall be but one juſt Meaſure and Weight through all the parts of the Kingdome, which ſhall univerſally ſerve all his Highnes Lieges, by the which they ſhall ſell and buy, and receive and give out in all times to come: which Meaſure his Majeſty, with advice foreſaid, findes, ſhould be that Meaſure of *Linlithgow*, which is now commonly uſed, and which hath been uſed moſt cuſtomably thorow the greateſt part of the Kingdom theſe fiftie or threeſcore yeeres bypaſt. And for ſetling of a perfect order, whereby all the Meaſures that are now uſed may be reduced to the conformitie of the ſaid Meaſure now authorized, And for making of proportion anſwerable betwixt the leſſer meaſure and weights, and the greater, His Majeſty, with advice foreſaid, hath granted full power and commiſſion to Sir *James Weymes* of *Bogie* Knight, Sir *George Anchinleke* of *Balmanno* Knight, Sir *James Fowles* of *Colington* Knight, Sir *Robert Stewart* of *Schillinlaw*, Sir *John Waus* of *Barnbarro* Knight, Sir *William Greirſon* of *Lag* Knight, and to *James Niſbet* Baillie and Burges of *Edinburgh*, Maſter *Alexander Wedderburn* Clerk of *Dundie*, Sir *Thomas Menzies*

zeis Proveſt of *Aberdeen*, *Iames Hammilton* Proveſt of *Glaſgow*, *Iohn Oxburn* Burges of *Air*, and Sir *George Bruce* of *Carnok*, Burges of *Culros*.

Whom, or any eight of them, his Majeſty, with adviſe foreſaid, ordaines to meet and conveen together, at ſuch time and place as they ſhall think expedient, and to conſult and adviſe together, and to appoint and determine upon the moſt convenient means, how the ſaids meaſures and weights may be reduced to the conformity aforeſaid. And after they have ripely adviſed therewith, and given forth their determination thereanent, they ſhall deliver the ſame, and whole courſe of their proceedings, to the Commiſſioners and Juſtices of Peace, and to the Deanes of Guylde of the head Burghs of the Shires, who ſhall be holden carefully to do their diligence, to ſee the meaſure foreſaid now appointed, to have the courſe through all partes, as well Burgh as Landward. And that there may be one conſtant conformity betwixt Burgh and Land, OUR Soveraigne LORD, with adviſe foreſaid, Ordaines the ſaids Juſtices of Peace in Landward, to take tryall of the meaſures and weights uſed in Burgh, and to take NOTE from the Magiſtrates and Deanes of Guyld of every Town, of the weights and meaſures, and of the number thereof, which the ſaids Magiſtrates and Deanes of Guyld in Burgh, ſhall be holden to ſhew, declare, and give up to them, to the effect the ſaids Juſtices to Landward, may confer the ſame with the Standard now authorized, and where they finde any diſconformity in the ſame, from the ſaid Standard, the ſaids Juſtices ſhall inform the Kings Majeſties Counſel thereof, that they may take order therewith as appertaineth. For it is expreſly provided by theſe preſents, that the ſaids Magiſtrates in Burgh ſhall not be permitted to have or uſe any moe meaſures within their Townes, than the number to be profeſſed by them, and given up in NOTE, to the ſaids Juſtices to Landward, as ſaid is. This alwayes being reſpected, that if the ſaids Magiſtrats within Burgh finde any neceſſity for having any moe meaſures then was given up, and uſed by them before, IT ſhall be licenced to them to make moe meaſures, they being anſwerable and conform to the Standard, and making the ſaids Juſtices to Landward foreſeen and acquainted therewith, and declaring the number of the meaſures whereof they finde the neceſſity of uſe.

THE ſaids Juſtices ſhall be holden to give command and direction to their Conſtables, to apprehend any ſuch perſon who ſhall be found contemptuouſly to have diſobeyed the cenſures of the Church, they being lawfully required to doe the ſame.

XXIII.

THE ſaids Juſtices of Peace, alſwell to Burgh as Land, ſhall conveene and be preſent at the Quarter-Seſſions of the Shire, where the Burgh and Land lyes, give their Oath to the Bench at their admiſſion, make their record, and make payment of the fines inromitted with by them as Juſtices of Peace of that Shire, and to their Collector.

XXIV.

THEY ſhall appoint a ſufficient Collector for uplifting the fines and penalties which they have power to impoſe upon any offender, and are to take caution of him for making due accompt.

XXV.

THEY ſhall have induring the time of Seſſions, for every day of their abode (ſo it do not exceed the number of three dayes at the moſt at one time) allowed to every one of them fourty ſhillings Scots money, daily to be payed and uplifted by the Collector of the fines, but neither Earle, Lord, Biſhop, Privy-counſellour, or Seſſioner, ſhall have any allowance: and all ſuch Juſtices as have the benefit of that allowance, and ſhall be abſent from every ordinary Quarter-Seſſions, or otherwayes when he is required lawfully by the *Cuſtos Rotulorum*, to any particular meeting, ſhall incur the penaltie of fourty pounds, Scots money, not being lawfully excuſed, and the excuſe allowed by the reſt of the Juſtices there aſſembled.

XXVI.

THE Lords of Seſſion ſhall direct general and ſummaire charges of horning and poinding at the inſtance of the Collector (appointed in every Country for ingathering of all fines and penalties whatſoever incurred) upon a ſimple charge of fifteene dayes, and no ſuſpenſion ſhall be granted, but upon conſignation of the ſummes contained in the ſentence, and by finding caution for payment of the charges of the Juſtices at the modification of the Lords.

XXVII.

THE ſaids Commiſſioners at the end of every Quarter-Seſſion, ſhall ſend to his Majeſties Counſel a Catalogue of all ſuch perſons as they have either committed, or otherwiſe put under ſurety, with a ſhort abbreviate of the cauſe thereof: to the effect, that thereupon the Counſel, as they ſhall think expedient, may return to them againſt their next Seſſions, or to the *Cuſtos Rotulorum*, in the meane while their further directions.

A

ANENT CONSTABLES.

I.

OUR SOVERAIGNE LORD, with the adviſe of his Eſtates, findes and declares, that the Conſtables are to be made choiſe of, by the Commiſſioners and Juſtices of Peace in their Quarter-Seſſions throughout the whole Countrey, two at leaſt in every Parochin, or moe, according to their diſcretions, having conſideration of the quantity thereof. In great townes likewiſe (not being Cities nor free Burghs) they are to appoint a number of Conſtables proportionally to the greatneſſe thereof: but in all Burghs Regal, and free Cities, the Conſtables are to be choſen by the Magiſtrates of the ſame, and they are to indure, and to be changed from ſix to ſix Moneths.

II.

AND who ſhall refuſe to accept the charge, and not to give his Oath for dutiful execution thereof, ſhall be impriſoned and fined at the diſcretion of the Juſtice of Peace, at their next ſitting.

III.

The Conſtables ſhall take the Oath following.

YOU ſhall ſwear that you ſhall faithfully and truely diſcharge your office of Conſtabulary within the Parochin of &c. induring the time appointed to you, and ſhall not for favour, reſpect, or fear of any man, forbeare to doe what becommeth you of your office, and above all things you ſhall regard the keeping and preſerving of the Kings Majeſties Peace, and ſhall at every Quarter-Seſſions and meetings of Juſtices, give true and due information of any breach, which hes been made of his Majeſties Peace, within the bounds of your commandement, and ſhall no way hide, cover, nor conceale the ſame, nor any of the proofs and evidences which you can give for the clearing and proving thereof, So help you God.

IV.

A Conſtable may apprehend any ſuſpect man, who for the moſt part ſleepeth all the day, and walketh in the night, and carry him to the next Juſtice of Peace, to finde ſurety for his good behaviour, or otherwiſe to be committed to priſon: and if he bee a man of quality, the Juſtice of Peace ſhall go with the Conſtable, and do it.

Conſtables ſhall ſtay and arreſt all Vagabounds, Sturdy-beggers, and Egyptians, and carry them before the next Commiſſioners of Peace, who ſhall take order for their committing, or puniſhment, according to the Statute of Parliament.

V.

Conſtables ſhall arreſt all idle perſons, whom they know to have no meanes to live upon, and will not take themſelves to any labour, trade, or occupation, and ſhall carry them before the Commiſſioner of Peace, who after examination, ſhall either commit them, or take ſurety of them for their appearance at the next Seſſions.

VI.

ANY Conſtable having apprehended a perſon guilty and culpable of ſlaughter, murther, theft, or any other capital crime whatſoever, ſhall then require his neighbours to aſſiſt, for ſafe convoying of ſuch perſons to the next Commiſſioner, who ſhall then examine the party, and ſet down his depoſition in writing, to bee ſhown at the next Seſſions, and thereafter ſhall ſend him back to priſon. And if a Nobleman, Prelate, or ſmall Baron, or any in their names, having power, ſhall acclaime the right of Juriſdiction to proceed againſt the delinquent, The ſaid Juſtice ſhall receive ſurety of the ſaid party, who required the defender to be delivered to him, that Juſtice ſhall be duely miniſtred, and cauſe delivery of the ſaid perſon, be made to him. Alwayes the ſaid Commiſſioner of Peace, at the next Seſſions, ſhall certifie the whole matter to the Bench: to the effect they may enquire whether Juſtice hath accordingly been miniſtred: and if any fault be found, to adverriſe his Majeſties Counſel, that order may be taken therewith.

VII.

ANY of his Majeſties Subjects of the degree of Yeomen, who ſhall refuſe or delay to concurre with the Conſtable in the executing of his office, ſhall be impriſoned and puniſhed by the Commiſſioners and Juſtices: and if he be of an higher degree and quality, the Conſtable ſhall inform the Juſtice thereof, that they may make the Lords of Privy Councel acquaint, whom the Eſtates ordaines to cenſure the offender according to the quality of the fault.

VIII.

A Conſtable ſhall arreſt any perſon of the degree of a Yeoman, who ſhall be found wearing Hagbuts, Piſtolets, and Dagges, and ſhall carry them before a Commiſſioner of Peace, who is either to take ſurety for their appearance the next Seſſion, or commit them priſoners till they do the ſame: but if the perſon be

of

of higher quality, the Constable shall informe the Justice thereof, who shall delate the same to his Majesties Counsel, that order may be taken therewith.

IX.

IF any party of the degree of Yeomen, do complain to a Constable, that he is threatned by any other, then shall the Constable apprehende the threatner, and carry him, with the party complainant, before the next commissioner of peace: and if he refuse to go, then shall they carry him to prison. And if he be of an higher degree, the Justice being informed thereof, shall informe the Counsel, and in the mean time, charge the party to bind to the peace.

X.

ALL The Constables, at the least one of every Paroch, instructed with commission, to answer for the rest within the said Paroch, shall attend at every Quarter-Session, there to give information of all such misdemainours as have happened in those bounds since the last Session; and otherwayes to give to the Bench further satisfaction in any thing wherein they shall be required: and to receive from the saids commissioners, at the end of the Session, such orders and directions as they shall then injoine, and appoint them to doe.

XI.

UPON the appearance of any Fray or stir betwixt parties, the constable may take the assistance of his neighbours, for sundring of the parties: and if there be any harme done to the Constable, or any of his assistance, by them who made the effray, they shall bee punished by the Justices at the next Session, they being of the quality of yeomen, and being of ane higher quality, the Counsell shall be informed thereof, as said is.

XII.

WHEN any hath made ane effray, & then flees to an house, the Constable may follow to the house, and if the doors be shut, he shall take notice of the master of the house, and require witnesse thereon. And albeit the delinquent shall flee further without the bounds of the Constables charge, yet may the Constable follow, and apprehend him in a fresh pursuite, and crave concurrence of the Cuntrey to that effect.

XIII.

THE Constables within every parochine, shall be executers of the precepts and warrands of the Justice of Peace.

XIV.

Concerning the Fees and satisfaction to be given to the Constables and Clerks for their paines: OUR Soveraigne LORD, with advise foresaid, ordeines the saids Justices to give up particular NOTES in writ to the Auditors of his Majesties Checker, of the fines inbrought to them, that out thereof such measure and satisfaction may be appointed and given to the saids Clerks and Constables, as may recompence their travels, wherein if it shall be found that the saids fines will not be sufficient, the saids Lords of his Highnesse Checker, shall appoint such further satisfaction to them, as in their discretion they shall think their labours and diligence doth deserve, and cause them be payed of the same.

AND notwithstanding of this above-written Act, and all the particulars foresaids contained in the same: OUR Soveraigne LORD, with the advise and consent of the saids Estates, statutes, decernes, and declares, That neither the rection of the saids Commissioners and Justices of Peace, and grant of Jurisdiction and priviledges to them, nor the making or approbation of the particular Articles above-written, introduced in their favours, nor any thing therein contained, shall be in any sort derogatory or prejudicial to the rights, priviledges, or liberties granted and bestowed by His Majesty, or his Higneſſe Royal predecessours of before to any of His Majesties Subjects, of whatsoever Estate or quality, from the highest to the lowest: But declares, that the saids rights, priviledges, and liberties, shall remaine in their own integrity safe, and intire, and unhurt, or prejudged by the premisses or any thing expressed in the saids Articles, and every one of them, and are holden as specially reserved and excepted out of the same.

AND least this above-written reservation should seem altogether to destroy the power, granted to the saids Justices, or should beget controversies betwixt them, and any other having right or liberty of jurisdiction, as said is: OUR Soveraigne LORD, with advise foresaid, for removing of all question, which may arise betwixt them thereanent, Declares, that it shall not be lawful, nor permitted to the saids Justices, to make any citation of party before their Court, till the expiring of the space of fifteen dayes, after the committing of the fact, for which the committer is to be conveened, at the compleat out-running of which space, if any having power and jurisdiction, as said is, hath omitted and neglected to use and exerce the priviledge and liberty of their right and power, it shall then be lawful to the saids Justices, to make citation, and to proceed against the parties, according to the power and authority given to them by his Highnesse, with advise foresaid, and conform to the particular Articles above-written, in all points, and no otherwayes.

Which all and sundry the premisses, OUR Soveraigne LORD with advise and consent foresaid, ratifies and

and approves, in all points in manner as the ſame proports, and gives unto them the ſtrength and force of Acts and Ordinances of Parliament, and ordains execution to paſs upon the ſame as effeires.

ACT IX.

Anent teinding of Cornes.

FOR-ſomuch as by divers and ſundry Acts of Parliament made of before, *anent the order and manner of teinding of Corns*, and ſpecially by the eight Act of his Majeſties xviij. Parliament, holden at *Perth*, upon the ninth of July, 1606. and ſenſine by the fifth Act of the xxj. Parliament, holden at *Edinburgh*, upon the 23. of October, 1612. the manner and forme of teinding, and the time and ſpace appointed, for requiſition to be made for the ſame, is at length ſet down: in the which Acts is ſtatute and ordeined, That all Cornes ſhall be teinded at three ſeveral times in the yeer, if the owners thereof thinks expedient: to wit, the croft infield Corn at one time, the Beer at another time, and the out-field Corn at the third time, as the ſaids Acts proport: Nevertheleſſe, OUR SOVERAIGNE LORD, for the greater well and eaſe of his Majeſties Lieges, finding it requiſite, that the former Acts be altered in the points following, for ſetling of a clear and certain order, to be hereafter obſerved, in all teinding of Cornes, Hath with adviſe and conſent of the Eſtates of Parliament, ſtatute, and ordeined, That it ſhall be lawful to all heritors and labourers of the ground, eight dayes being expired after the compleat ſhearing of every one of the three ſorts of Cornes above-written, to require the owner of the teind, at his dwelling place, within the Parochin: and incaſe of him not dwelling therein for the time, his Factor and ſervant, or other perſon (who is ordained to be conſtitute, and ſpecially deſigned by him in manner after-mentioned) upon the premonition of four dayes to come and make thankful teinding of the ſaids Corns: who failing to do the ſame, and neither the owner of the teind, his ſelf, nor the other perſon appointed, to be deſigned by him, as is under-written, comming and making the ſaid thankful teinding, being ſo lawfully required:

OUR SOVERAIGNE LORD with adviſe and conſent of the ſaids Eſtates, declares, That it ſhall be lawful to the ſaids Heritors and labourers of the ground, to ſeparate the ſtock from the teind, and to lead and carry their ſtock away, and either to ſtack the ſame within their Barn-yards, or to place the ſame in their barns, leaving the teind upon the ground, which they ſhall be holden to preſerve and keep un-deſtroyed or eaten by beaſts, for the ſpace of eight dayes after the expiring of the time of the ſaid requiſition: Which Cornes being ſo led and ſtacked, or placed in barnes, and the teind being left on the ground, and preſerved as ſaid is, OUR SOVERAIGNE LORD with advice and conſent foreſaid, declares, It ſhall be ſufficient to liberate them of all danger of ſpuilzie, or wrongous intromiſſion, which may be moved againſt them therefore, in any time to come: And for more clear explanation of the premiſſes, ſtatutes and ordaines, the owner of the ſaids teinds, if he have not his dwelling within the ſaid Parochin (whoſe dwelling there would require premonition to be made to himſelfe at his dwelling place, as ſaid is)

TO deſigne a ſpecial ſervant and factor for him, to whom the ſaid premonition ſhall be made in his abſence, who ſhall have his remaining either in ſome certaine houſe, within the Parochin, or in the next moſt eweſt and adjacent clachan, whoſe name and particular place of reſidence, the ſaid owner of the teinds ſhall cauſe publickly intimat in the Pariſh Kirk, either upon the laſt Sunday of July, or the firſt Sunday of Auguſt, yearly, in preſence of the Miniſter of the Paroſhin and Paroſhiners, that no ignorance may be pretended thereof: which factor ſo deſigned, ſhall be warned either perſonally, if he can be apprehended, or by intimation to be made to the Miniſter of the Pariſh, and at the foreſaid place to be deſigned for the factors remaining: which requiſition ſo made, OUR Soveraigne LORD with advice foreſaid, declares, it ſhall be als ſufficient, as if the ſame were made to the Teind-maſter himſelf: Likeas it is declared, that (incaſe of the Teind-maſters, not dwelling within the Parochin, as ſaid is) if the ſaid deſignation be not made of the ſaid factors name, and place of remaining, at the time, and in maner as is before ordained, it ſhall then be alſo lawful, the ſaids eight dayes and foure dayes being bypaſt, to the owners of the Corns, to ſeperate the ſtock from the teind, and to lead, ſtack, and place their ſtock in their barns or barn-yards, as ſaid is, leaving the teind upon the ground, and preſerving the ſame in manner before ſpecified: Which being done, they ſhall be likewiſe free of all actions of ſpoilzie, or wrongous intromiſſion, which they thereby may incurre. It is alwayes provided, by OUR SOVERAIGNE LORD, with advice of the ſaids Eſtates, That whereas by this Act and Statute requiſition is not ordained to be made till the expiring of eight dayes after the compleat ſhearing of every one of the three ſorts of cornes before ſpecified: yet notwithſtanding thereof, the ſaids Eſtates declares, That albeit the tenth part of every ſort of the ſaids cornes, or about the tenth part be ſtanding unſhorne and un-cut down, the not ſhearing of that quantity, ſhall be no cauſe nor impediment to ſtay the owner to make the requiſition: neither ſhall the ſame furniſh any lawfull excuſe to the Teind-maſter, upon the pretext whereof he ſhould refuſe teinding for the reſt: but declares this Act to be effectual, and to have the own force, albeit the tenth part, or about the ſame, remaine unſhorne, as ſaid is: the ſaids heritors, or labourers, uſing the like order of requiſition thereafter for teinding of the ſaids unſhorn cornes, the time when the ſame are ready.

ACT X.

Anent the Poor.

FORASMUCH as there hath been divers worthy Laws and Statutes made by His Majesty, and his Highness Predecessors, for restraining of idle and masterful Beggers: and that notwithstanding thereof, the number of the saids Beggers hath daily increased, more and more; and His Majesty, and Estates, considering, that the cause of the multiplying of the saids Beggers, hath, and doth, proceed from this ground; That no order hath been taken in by-gone time, with the poor Children and Orphans, born of poor and indigent Parents, who being tollerated or neglected, at their first entry to begging, doth contract such a custome and habite, that hardly they can be drawn thereafter to any other calling: whereas if the saids Children were in their tender years put to work, and imployed, and trained up in any commendable labour, they might thereafter not onely relieve the country of their charges, but also prove profitable to the Common-wealth: which might be easily performed, if the saids poor Children were taken off the hands of their Parents, by some of his Majesties well-affected subjects in particular, or by any of the incorporations and Burghs within this his Majesties Kingdom in common, and imployed in some calling or vocation, that might tend to the good of the Realme: THEREFORE, His Majesty, with advice and consent of the Estates, doth in most earnest manner, recommend to all his Highness loving Subjects, requesting them, as they tender the good and honour of the Realme, to receive within their houses and family, and to take upon their care, intertainment, and education, some of the saids poor and indigent children, one or moe, every person according to his power and faculty: LIKEAS his Majesty with advice foresaid for the further security of his Highness Subjects, finds and declares, that it shall bee lawful to his Highness Subjects, to take the saids poor Children in their power, houses, and family, to be educate, and brought up by them, either in their houses, or to be put by them to such Crafts, callings, and vocations, either within the Country or without the same, as they please: which children so received, shall be oblieged and bound, as servants, to the receivers, in manner, and during the time after specified: IT is alwayes declared, that the condition of the saids children, which shall be so received by his Majesties Leiges, and the manner of their delivery to them, shall be as followeth: That is to say, THAT they be such who shall be found and tryed to be poor and indigent, and to have no meanes for their entertainment, and that by the declaration of the Provest and Bailies, and by the Session of the Kirk, within Burgh, or by either of them: and the Sessions of the Kirks in Landward, where the saids poor children remaines, or are found to be for the time: and if the saids poor children be within the age of fourteen years, they shall be delivered to his Highnesse Subjects, by the Magistrates within Burgh, or by the Session of the Kirk and Parochin where they remaine, with consent of their parents, if they have any known within the Parochin for the time: otherwise they shall be delivered by the saids Magistrates & Session of the Kirk alone or either of them, as said is. And if they be past the age of fourteen years, that their own consent shall be taken thereto, by the advice of the saids Magistrates and Session of Kirk, or either of them, as said is, who at the delivery of the saids poor children, to his Highnesse Subjects, shall give a testimonial, under their, or their Clerks hand writs, of the Estate, quality, and condition foresaid, of the saide poor children, and of their delivery to their Masters: Which testimonial of the saids Provests, Bailies, and Session of the Kirks, bearing the said tryal and delivery, his Highnesse with advice and consent of the Estates foresaids, findes and declares, shall be a sufficient warrand to the receivers, for brooking the benefit of this present Statute: And to the effect his Highnesse Subjects may be moved hereto, by the expectation of the commodity and advantage which they may reap by the labours and service of the saids poor children: His Majesty with advice of the saids Estates, statutes and ordaines, that the saids poor children, received by any of his Highnesse Subjects, upon the testimonial of Provest, Bailies, or Session of Kirks, in manner above-specified, shall be bound and astricted to their saids Masters, their heirs and assignayes, in all kind of service, which shall be injoyned to them, until they passe the age of thirty years compleat, and that they shall be under discipline to their saids Masters, and their foresaids, and subject to their corrections and chastisements, according to the merits of their offences, in all manner and sort of punishment, the life and torture excepted. Likeas it is declared, that whatsoever the saids servants gaines, or wins, by their travels, during the said space, shall appertain properly to their saids Masters and their foresaids: And if it shall happen the saids servants to absent themselves from their saids Masters service, without their licence, then & in that case they shall be oblieged to refound to their saids Masters the whole damnage and intresse sustained by them, through their absence, upon the declaration of the saids Masters, without any further probation, by and attour the bodily punishment to be laid upon them at their returning, by the discretion of their saids Masters: And if it shall happen them to be received by any other persons, the saids receipters shall be oblieged to restore them again to their saids Masters, within twelve houres after they be required to that effect, personally, or at their dwelling places, in presence of a Notar, and two witnesses, and if they failzie, they shall pay after every requisition, ten shillings daily, ay and till they be restored, and that without prejudice to the saids Masters, to call and pursue for delivery of their saids servants, before the ordinary Judge, as accords of the law, and for the damnage and skaith sustained by them, through the want of their saids servants, during the space of their absence, after the said requisition.

ACT

ACT XI.

Anent the Queens Majeſtie her Counſel.

OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of Parliament, ratifies & approves the Letter of Nomination made by his Highneſſe deareſt Spouſe, ANNA, by the Grace of GOD, Queen of great *Britain*, *France*, and *Ireland:* of the date the xxvj. day of April, laſt by-paſt: whereby her Majeſty, with his Highneſſe conſent, hath nominated, and appointed, Sir GEORGE HAY, of *Natherlife*, Clerk of the Regiſter, Sir WILLIAM OLIPHANT of *Newton* Knight, OUR Soveraigne LORDS Advocate: Sir ALEXANDER DRUMMOND of *Medope* Knight, and Sir WILLIAM SEATON of *Kylſmore* Knight, to be four of her Majeſties Counſel, in place of the other foure before deceaſed: and hath adjoyned them to the other three of her Majeſties Counſel, as yet alive: to wit, ALLEXANDER, Earle of *Dunfermling*, Chanceller: THOMAS, Lord *Binning*, Secretary: and Sir PETER YOUNG, Elemoſyner to his Majeſty, as in the ſaid Letter of Nomination, of the dare foreſaid, at more length is contained. And his Majeſty, with adviſe of the Eſtates foreſaids, wills, declares, and ordaines, that the ſaids Counſellers, at the leaſt four of them, the ſaid Lord Chanceller being alwayes one of the ſaid four, ſhall have the guiding, government, and adminiſtration of the eſtate, living, and affaires, appertaining to his ſaid Highneſſe deareſt Spouſe within the Kingdome of *Scotland:* in the ſame manner and form as is ſet down in the Act of Parliament, made in the Moneth of July, 1593. years: and under the proviſions and conditions expreſſed in the ſaid Act of Parliament: which his Majeſty, with advice foreſaid, holds as herein expreſſed: and whenſoever it ſhall happen any of the ſaids ſeven Counſellers, one or moe, to depart this life, his Majeſty with advice foreſaid, wills and grants, that it ſhall be lawful to her Highneſſe, to nominate and appoint others in place of the perſons deceaſand, to the effect above contained: Likeas his Majeſty with adviſe foreſaid, now as if the ſaid nomination were made, and then as now ratifies and approves the ſame, and declares the ſame to be as valide and effectual, as if the ſame were made with conſent of his Highneſſe, and adviſe of the Eſtates foreſaids.

ACT XII.

Anent preſcription of heritable Rights.

OUR SOVERAIGNE LORD conſidering the great prejudice which his Majeſties Lieges ſuſtaines in their Lands and Heritages, not only by the abſtracting, corrupting, and concealing of their true evidents, in their minority, and leſſe age, and by the amiſſion thereof, by the injury of time, through War, Plague, Fire, or ſuch like occaſions: but alſo by the counterfeiting and forging of falſe evidents & writs, and concealing of the ſame to ſuch a time, that all meanes of improving thereof is taken away: whereby his Majeſties Lieges are conſtitute in a great uncertainty of their heritable Rights, and divers pleas and actions are moved againſt them, after the expiring of thirty or fourty years: which nevertheleſſe by the civil Law, and by the Lawes of all Nations, are declared void, and uneffectual: And his Majeſtie according to his fatherly care, which his Majeſty hath, to eaſe and remove the griefs of his Subjects, being willing to cut off all occaſion of pleas, and to put them in certainty of their heritage, in all time comming: Therefore his Majeſty with advice and conſent of the Eſtates of Parliament, by the tennour of this preſent Act, ſtatutes, findes, and declares, That whaſoever his Majeſties Leiges, their Predeceſſors and authors have brooked heretofore, or ſhall happen to brook in time comming, by themſelves, their tennents, and others having their Rights, their Lands, Barronies, Annuelrents, and other Heritages, by vertue of their heritable inſeſtments, made to them by his Majeſtie, or others their ſuperiours and authors, for the ſpace of fourty yeares, continually and together, following and inſuing the date of their ſaids inſeſtments, and that peaceably, without any lawful interruption made to them therein, during the ſaid ſpace of fourty yeares, that ſuch perſons, their Heirs and Succeſſours ſhall never be troubled, purſued, nor inquieted, in the heritable right and property of their ſaids lands and heritages foreſaids, by his Majeſty, or others, their ſuperiours and authors, their Heirs and Succeſſours, nor by any other perſon, pretending right to the ſame, By vertue of Prior inſeſtments, publicke or private, nor upon no other ground, reaſon or argument, competent of Law, except for falſehood: Providing they be able to ſhew and produce a Charter of the ſaids lands, and others foreſaids, granted to them, or their Predeceſſours, by their ſaids ſuperiours and authors, preceeding the entry of the ſaids fourty yeares poſſeſſion, with the inſtrument of ſeaſing following thereupon: or where there is no Charter extant, that they ſhew and produce inſtruments of Seaſing, one, or moe, continued, and ſtanding together for the ſaid ſpace of fourty yeares, either proceeding upon retours, or upon precepts of *clare conſtat*. Which rights his Majeſty with advice and conſent of the Eſtates foreſaids, findes, and declares, to be good, valide, and ſufficient rights, (being claid with the ſaid peaceable, and continual poſſeſſion of fourty yeares) without any lawful interruption, as ſaid is: for brooking of the heritable Right of the ſame lands, and others foreſaid. And ſicklike his Majeſty with advice foreſaid, ſtatutes and ordaines, that all actions competent of the law, upon heritable Bands, Reverſions, Contracts, or others whatſoever, either already made, or to be made after the date hereof, ſhall be purſued, within the ſpace of fourty years, after the date of the ſame: except

the ſaids Reverſions be incorporate within the body of the infeſtments, uſed and produced by the poſſeſſour of the ſaids lands, for his title of the ſame, or regiſtrated in the Clerk of Regiſter his Books: in the which caſe ſeeing all ſuſpition of falſehood ceaſes moſt juſtly, the actions upon the ſaids Reverſions, ingroſſed and Regiſtrated, ought to be perpetual: excepting always from this preſent Act, all actions of warrandize, which ſhall not preſcribe, from the date of the Band, or Infeſtment, whereupon the warrandize is ſought: bot only from the date of the diſtreſſe, which ſhall preſcribe, it not being purſued within fourty years, as ſaid is. And ſiklike it is declared, that in the courſe of the ſaids fourty years preſcription, the years of minority, and leſſe age, ſhall no wayes be counted, but only the years during the which the parties againſt whom the preſcription is uſed and objected were majors, and paſt xxj. yeares of age. And his Majeſty, being careful, that no perſon, who hath any juſt claime, bee prejudged of their actions, by the preſcription of fourty yeares, already run and expired, before the date of this preſent Act: Hath with adviſe foreſaid, granted full liberty and power to them, to intent their ſaids actions, within the ſpace of thirteen years, next following the date hereof: which ſhall be als effectual, as if the ſame had been intented within the ſaid ſpace of fourty years, preſcribed by this preſent Act. After the expiring of the which thirteen yeares, this preſent Act ſhall have full force and effect, after the tennour thereof in all points. And nevertheleſſe it is declared, that the perſons, at whoſe inſtance the foreſaids actions ſhall be moved, and intented within the ſaid ſpace of thirteen yeares, ſhall not be compelled to inſiſt in the ſaids actions, at the deſire of their parties, upon the firſt ſummonds and citation thereof only, except that the ſaids firſt ſummonds be called and continued, and the defenders of new ſummond thereby: in the which caſe, and no otherwayes, it is declared, that they may be compelled to inſiſt at the inſtance of the party, having entreſſe.

ACT XIII.

Anent reduction of Retours, and ſummonds of Errour.

FOR-aſmuch as by Act of Parliament, made by his Majeſties moſt Noble Progenitour, King JAMES the fourth, of worthy memory, upon the 13. day of June. 1494. it was ſtatute and ordained, that all ſummonds of Errour, or inordinate proceſſe, be purſued within the ſpace of three yeares, after the determination of the inqueiſt, or ſervice: the party being of lawful age, and within the Realme, otherwiſe to preſcribe, as in the ſaid Act and Statute at more length is contained. And becauſe the true meaning and intention of the ſaid Act, was, That OUR Soveraigne LORDS Lieges, being upon the ſaid inqueſt and ſervice, ſhould not lye under the paine and danger of Errour, after the ſpace of three yeares, and no wayes to hurt or prejudge the righteous heire, and neareſt of kin, who by the Law of God and man, was to ſucceed in the right of blood and ſucceſſion to their Predeceſſours, and to their lands and heritages, *Jure ſanguinis*. Therefore OUR ſaid Soveraigne LORD, with advice and conſent of the Eſtates foreſaids, Statutes and Ordains, That the ſaid Act of Parliament ſhall no wayes hurt nor prejudge the neareſt of kin to ſeek reduction of the ſaids Retours, and ſervice, to be paſt and exped in time comming, and that within the ſpace of twenty years, immediatly following the date of the ſaids Retours and ſervices: and if the ſaids ſummonds of Reduction, be not intented, executed, and purſued, before the expiring of the ſaids twenty yeares, that the ſaid action of Reduction of the ſaid Retour and ſervice, ſhall preſcrive in the ſelfe, and no party to be heard thereafter to purſue the ſame Reduction: And als declares, that hereafter it ſhall no wayes be lawful to purſue the perſons of inqueiſt for wilful Errour, except they be purſued therefore within the ſpace of three yeares next after the date of the ſaid Retour and ſervice: It is alwayes declared, that theſe preſents ſhall no wayes be prejudicial to whatſoever perſons, who have acquired Rights of lands and heritages before the date hereof, *bona fide*, from perſons already retoured thereto in any time by-gone: but the ſaids perſons, who have *bona fide*, acquired, to brook their Rights, according to the law then ſtanding.

ACT XIV.

Anent Executors.

OUR SOVERAIGNE LORD underſtanding that a great number of ignorant people, the time of their ſickneſſe and diſeaſe, or otherwiſe at the making of their Teſtaments and latter wills, do nominate certain ſtrangers to be their Executors, meaning only to commit the care of their goods, and diligent in-getting thereof, to the ſaids ſtrangers, and that to the behoof of their children, or other perſons who are neareſt of kin: Whereas by the contrary, the ſaid Office of Executry, by the interpretation now obſerved, doth carry with it the whole profit and commoditie of the defuncts part of the goods contained in Teſtament: which his Majeſty findes to be altogether againſt law, conſcience and equity: Therefore his Majeſty with advice and conſent of the Eſtates of Parliament, finds and declares, that all Executours, already nominate in any Teſtament, not as yet confirmed, or to be nominate in any Teſtament to be made hereafter, are, and ſhall be obliged, to make count, reckoning, and payment of the whole goods and geare appertaining to the defunct, and intrometted with by them, to the wife, children and neareſt of kin, according to the di-

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viſion obſerved by the Laws of this Realm: reſerving onely to the ſaids Executors the third of the defuncts part, all debts being firſt payed and deduced, without prejudice alwayes to the ſaids Executors of whatſoever Legacies left to them by the ſaids defuncts: which ſhall no wayes be prejudged by this preſent Act: but the ſaids Executors ſhall have full right to their ſaids Legacies, albeit the ſame exceed the ſaid third of the defuncts part: and incaſe the ſaids Legacies exceed the whole third part, the ſaids Executors ſhall have right to the whole Legacie, and no part of the third: WITH this expreſſe declaration, That where Legacies are left to the Executors, they ſhall not fall both the ſaids Legacies and a third by this preſent Act, but the ſaids Legacies ſhall be imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Eſcheat of Life-rent Tacks.

OUR SOVERAIGNE LORD having conſidered that there hath been divers queſtions moved before the Lords of his Majeſties Councel and Seſſion, touching the Eſcheat of Life-rent-tacks of lands and teinds, fallen by the rebellion of the perſons to whom the ſame appertained: and that it hath not been clearly decided, whether a Life-rent tack ſhould fall under the gift of a ſimple Eſcheat, or not: For the better clearing whereof in all time comming, OUR SOVERAIGNE LORD with advice of the Eſtates of this preſent Parliament, declares, ſtatutes, and ordains, that Life-rent tacks of lands, or teinds, ſhall not fall under a ſimple gift of eſcheat, but under the gift of a Life-rent eſcheat only: And further, In caſe any tack, ſet of lands, or teinds, contain moe Life-rents nor one: and that the perſon to whom the ſaid tack appertaineth in life-rent, be Rebel attour the ſpace of year and day, where-through he loſes his life-rent of the ſaid tack. IT is hereby declared, that the remanent Life-renters containedin the ſaid tack, nor the heires or aſſignayes of the Rebel, who have right to the ſaid tack, after the ſaid Rebels deceaſe, ſhall not be prejudged by the ſaid Life-renters Rebellion; ſo that after his deceaſe, the ſaid perſon having right to the ſaids tacks, ſhall brook and injoy the ſame, notwithſtanding the ſaids Life-renters rebellion attour the ſpace of year and day: which rebellion ſhall prejudge himſelfe only, and no other perſon ſucceeding to him in the right of the ſaid tack.

ACT XVI.

Anent the regiſtration of Reverſions, Seaſings, and others Writs.

OUR SOVERAIGNE LORD, conſidering the great hurt ſuſtained by his Majeſties Lieges, by the fraudulent dealing of parties, who having annallied ther lands, and received great ſummes of money therefore, Yet by their injuſt concealing of ſome privat Right formerly made by them, render the ſubſequent alienation done for great ſums of money, altogether unprofitable: which cannot be avoided, unleſſe the ſaids private Rights be made publick & patent to his Highnes Lieges: For remedy thereof, & of many inconveniences which may enſue thereupon; HIS MAJESTY with advice and conſent of the Eſtates of Parliament, ſtatutes and ordeins, That there ſhall be ane publick Regiſter, in the which all Reverſions, Regreſſes, Bands, and writs for making of Reverſions or Regreſſes, aſſignations thereto, diſcharges of the ſame, Renunciations of Wadſets, and grants of Redemption, and ſiklike all iuſtruments of Seaſing ſhall be Regiſtrat within threeſcore dayes after the date of the ſame. IT is alwayes declared, that it ſhall not be neceſſar to Regiſtrate any Bands and Writs for making of Reverſions, or Regreſſe, unleſſe the Seaſing paſſe in favours of the parties, makers of the ſaids Bands or Writs: in the which caſe it is ordained, that the ſame ſhall be Regiſtrat within threeſcore dayes after the date of the Seaſing. The extract of the which Regiſter ſhall make faith in all caſes, except where the Writs ſo Regiſtrated, are offered to be improven. And if it ſhall happen any of the ſaids Writs, which are appointed to be Regiſtrated, as ſaid is, not to be duely Regiſtrated within the ſaid ſpace of threeſcore dayes: then, and in that caſe, his Majeſty, with advice and conſent foreſaid, decernes the ſame to make no faith in Judgement by way of action or exception in prejudice of a third party, who hath acquired a perfect and lawful Right to the ſaids Lands and Heritages: But prejudice alwayes to them to uſe the ſaids Writs againſt the partie maker thereof, his heires and ſucceſſours. IT is alwayes declared, that this preſent Act ſhall no wayes be extended to inſtruments of Seaſing, and Reverſions therein conteined, given by Proveſt and Bailies of free Burghs Royal, of lands lying within their Liberties and Freedomes, halden by the ſaids Burghs in free Bourgage of his Majeſty, nor to na other heritable Writs thereof, nor yet to Reverſions incorporate in the Body of the Infeftments, made to the perſons againſt whom the ſaids Reverſions are uſed. IT is alſo declared, that if any Renunciations or Grants of Redemption, which ſhall happen to be conſigned in proceſſe betwixt parties, ſhall be Regiſtrat within threeſcore dayes after the dates of the decreets whereby the ſame ſhall be ordeined to be given up to the parties having right thereto, the ſame ſhall be ſufficient. And to the effect the ſaid Regiſter may preſently and in all time comming be the more faithfully keeped; Therefore OUR ſaid SOVERAIGNE LORD, with advice and conſent foreſaid, ſtatutes and ordeins the ſame Regiſters and Regiſtrations foreſaids, to be inſert therein, to appertain and belang to the preſent Clerk of Regiſter, and his Deputes to be appointed by him to that effect. And decernes and ordeines the ſame Regiſters to be annexed and incorporate with the ſaid office, and that the Clerk of Regiſter,

preſent, and to come; have the ſaid Office as ane proper part and pertinent of the Clerk of Regiſter his office, make and conſtitute particular deputes, ane or moe for all the dayes of their life-times, or otherwiſe as he ſhall think expedient, of good fame, literature, and converſation, for whom he ſhall be anſwerable, and who ſhall be reſident within the towns and places after-ſpecified, at all times to receive fra the parties their Evidents, and to Regiſtrat the ſame within the ſpace of fourtie eight hours next after the receipt thereof, and to ingroſſe the whole body of the writ in the Regiſter, under the pain of deprivation of the Clerk of his place and ſervice, and of the office of Notarie in all time thereafter. And within the ſame ſpace ſhall deliver to the preſenters of the ſamine, their Evidents marked by him, with the day, moneth, and year of the Regiſtration, and in what leafe of the book the ſame is Regiſtrate: and ſhall take allannerly for his paines twenty ſix ſhillings eight pennies money of this Realme, as the price of ilk leafe of his Regiſter, containing no leſſe then is in this preſent Act: and in caſe the leafe contain leſſe to take leſſe accordingly, and ſo proportionally for every page of the leafe, and part of the page, and according thereto ſhall take for Regiſtring of every ane of the ſaids Evidents And the ſaids Regiſters to bee filled up by the ſaids Deputes, to be marked by the Clerk of the Regiſter and his Deputes to be appointed by him to that effect, with ane note of the particular number of the leaves that the ſame ſhall containe: & the ſaids Regiſters after the filling up of the ſame to be reported to the ſaid Clerk of Regiſter, to remain with him and his Deputes, and bee patent to all OUR Soveraigne LORDS Lieges, and extracts thereof to be given by him and his Deputes to be appointed by him, during all the dayes of their life-time, or otherwayes as he ſhall think expedient for that effect, to all ſhall have adoe with the ſame, which ſhall make as great faith, as the principals, except incaſe of improbation. And the ſaids Regiſters for the greater eaſe of the Lieges, to be eſtabliſhed in the particular places following: That is to ſay, Ane in the town of *Kirkwal* in *Orknay*, for the whole lands lyand within the bounds of the Sheriſdomes of *Orknay* and *Zetland*: and ane in the Burgh of *Innernes*, for the whole lands lyand within the Sheriſdomes of *Innernes* and *Cromartie*: Ane in the Burgh of *Elgine* for the whole lands lyand within the bounds of the Sheriſdome of *Forres* and *Nairn*: Ane in the Burgh of *Aberdeene* for the whole lands lyand within the bounds of the Sheriſdomes of *Aberdeene*, *Bamfe*, and *Kincardin*: Ane in the Burgh of *Dundie*, for the whole lands lyand within the bounds of the Sheriſdome of *Forfar*: Ane in the Burgh of *Perth*, for the whole lands lyand within the Sheriſdome of *Perth* and Stewardry of *Stratherne*: (exceptand the Stewardrie of *Monteith*) Ane in the Burgh of *Sterling*, for the whole lands lyand within the bounds of the Sheriſdomes of *Sterling*, *Clakmannan*, and Stewardry of *Monteith*: Ane in the Burgh of *Cowper* in *Fife*, for the whole lands Lyand within the boundes of the Shirreſdomes of *Fife* and *Kinroſhire*: Ane in the Burgh of *Edinburgh*, for the whole lands lyand within the boundes of the Sheriſdomes of *Edinburgh* principal, Conſtabularie of *Hadingtoun*, *Linlithgow*, and *Bathket*: Ane in the Burgh of *Lawder*, for the whole lands lyand within the Sheriſdome of *Berwick*, and Bailirie of *Lawderdale*: Ane in the Town of *Selkirk*, for the whole lands lyand within the Sheriſdomes of *Roxburh*, *Selkirk* and *Peebles*: Ane in the Town of *Hammiltoun*, for the whole lands lyand within the Sherifdome of *Lanerk*: (exceptand the Burgh and Barronie of *Glaſgow*) Ane in the City of *Glaſgow*, for the whole lands lyand within the bounds of the Sheriſdome of *Renfrew*, and Baronie of *Glaſgow*: Ane in the Burgh of *Dunbartan* for the whole lands lyand within the bounds of the Sheriffdomes of *Dunbritton*, *Bute*, *Argyle*, *Arrane*, and *Tarbet*: Ane in the Burgh of *Air*, for the whole lands lyand within the bounds of the Sheriſdome of *Air*, Bailierie of *Kyle*, *Carrick*, and *Cuninghame*: Ane in the Burgh of *Wigtoun*, for the whole lands lyand within the bounds of the Sheriffdome of *Wigtoun*: Ane in the Burgh of *Drumfreis*, for the whole lands lyand within the bounds of the Sheriſdome of *Drumfreis*, Stewardries of *Kirkcudbright* and *Annandale*; Or any other place or places more convenient, as the Clerk of Regiſter ſhall think moſt expedient, due intimation being made to the Lieges of the ſame. And the ſaids Evidents to be Regiſtrate in the particular Books appointed for the lands within the bounds of ilk Sheriſdome, Stewardrie, and Bailierie, as ſaid is, or in the option of the party in the Books of Regiſter or Seſſion keeped by the ſaid Clerk Regiſter himſelf or his Deputes to be appointed by him, during all the dayes of their life-time, or otherwayes as he ſhall think expedient to that effect, in *Edinburgh*. And OUR ſaid SOVERAIGNE LORD with advice and conſent of the Eſtates decerns, and declares, this preſent Act to have the force, ſtrength and effect of ane Decreet and Statute of Parliament, which ſhall have force and execution, according to the tennour thereof in all time to come. Ordaining publication to be made of the ſame in forme as effeires.

ACT XVII.

Anent the looſing of Arreſtments.

OUR SOVERAIGNE LORD conſidering the great abuſe and corruption uſed in finding of caution to meſſengers for looſing of Arreſtments in times bygone, whereby his Highneſſe Lieges have been heavily prejudged, the receiving of the ſaid caution being committed to whatſoever Meſſenger of Armes the party pleaſeth to chuſe, who at the deſire of the party, for the moſt part, receiveth irreſponſal cautioners: and thereafter, when caution is found, there is no warning thereof given to the party arreſter; but only a ticket, under the Meſſengers ſtamp and ſubſcription; bearing him to have looſed the Arreſtment, and to have received ſuch a perſon cautioner: which ticket is not ſufficient of the Law, to furniſh action againſt the

ſaids cautioners, without production of the principal Bands given to the ſaid Meſſenger, receiver of the caution: which Band, if any were taken, remaines in the hands of the Meſſenger, and is either loſſed by negligence, or abſented by malice, whereby the party is altogether prejudged of his action, which he had againſt the Cautioner, who was found for looſing of the Arreſtment: For remedy whereof, OUR Soveraigne LORD with advice and conſent of the Eſtates of Parliament, ſtatutes and ordains, that all Bils and Supplications for looſing of arreſtments, which ſhall be paſt and delivered by the Lords of Councel in time comming, ſhall be paſt upon caution to be found in their Books, and ordaines the Clerk of the Bils to receive the ſaid caution before the giving out of the ſame, for raiſing of Letters thereupon: and if any arreſtments be otherwiſe looſed, the ſame to be null, and ineffectual.

ACT XVIII.

Anent the keeping of Forreſts.

OUR SOVERAIGNE LORD conſidering that the Forreſts within this Realme, in the which Deer are kept, are altogether waſted and decayed, by Shiellings, paſtouring of Horſes, Mares, Cattel, Oxen, and other Beſtial, cutting of Woods within the bounds of the ſaids Forreſts, ſhooting and ſlaying of Deer, Veniſon, and wilde Fowles, with Hagbuts, and with Dogs in forbidden time. And albeit there hath been divers and ſundry loveable Acts, Lawes, and Statutes made for puniſhing the tranſgreſſours of the ſame Acts, yet the ſame have not been put to due execution in time bygone. In reſpect the keepers of the ſaids Forreſts, under his Majeſty, and others having right thereto, by vertue of their Infeftments had no power nor juriſdiction to puniſh the ſaids tranſgreſſours. Therefore OUR Soveraigne LORD, with advice of the Eſtates of this Parliament, wils and ordains in all time comming, that the keepers of the ſaids Forreſts, and others, having right by their Infeſtments, as ſaid is, ſhall have full power, priviledge, and juriſdiction, to call, conveene and purſue before them, whatſoever perſon or perſons, that ſhall be found hereafter to tranſgreſſe the ſaids Acts and Statutes, fit, and hold Courts thereanent, and to put them to the tryal of an inqueiſt: And being found guilty, to put the ſaids Acts to full execution in their contrair, after the forme and tennour thereof in all points: to wit, the ſlayers and ſhooters of Deer, Rae, and Wilde-Fowls, being Landed-men, under the pain of five hundreth marks, and every unlanded-man, being reſponſible, under the paine of one hundreth marks, and if he be not reſponſible, under the pain of warding and puniſhment of his perſon, conforme to the former Acts made thereanent: and the owners and in-putters of the goods and Beſtial, within the ſaids Forreſts, and cutters of Wood, under the paines contained in the former Acts made thereanent, and conforme to the proviſion of the ſame Acts.

ACT XIX.

Anent Doucats.

OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of this preſent Parliament, conſidering the great inconvenients ſuſtained by the Lieges of this Realm, through the frequent building of Doucats, by all manner of perſons, in all the parts thereof, ſtatutes, declares, and ordaines, that hereafter no perſon nor perſons, ſhall have power, libertie, nor priviledge, to build a Doucat upon any Lands within this Realme, neither within Burgh, nor in the Countrey, except that perſon, builder of the Doucate, have lands and teinds pertaining to him, extending in yearly Rent to ten Chalders Victual, next adjacent to the ſaid Doucate, at the leaſt lying within two miles to the ſame: And als declares, that it ſhall nowiſe be lawful to the perſon foreſaid, worth in yearly rent the foreſaids ten Chalders Victual, to build moe Doucates upon, and within the bounds foreſaids, except one Doucat onely.

ACT XX.

Anent the puniſhment of Drunkards.

IT Is ſtatute and ordained by OUR SOVERAIGNE LORD with advice and conſent of the Eſtates of Parliament, for the reſtraint of the vile and deteſtable Vice of Drunkenneſſe daily increaſing, to the high diſhonour of GOD, and great harme of the whole Realme, That all perſons, lawfully convict of Drunkenneſſe, or of haunting of Taverns and Ale-houſes, after ten hours at night, or any time of the day, except in time of travel, or for ordinary refreſhments; ſhall for the firſt fault pay three pounds, or incaſe of inability, or refuſal, to be put in Jogges or Jayle for the ſpace of ſix houres: for the ſecond fault to pay five pounds, or incaſe of inability or refuſal, to be kept in Stocks or Jayle, for the ſpace of twelve houres: and for the third fault to pay ten pounds, or incaſe foreſaid, to be kept in Stocks or Jayle, for the ſpace of twenty foure houres: and thereafter, if they tranſgreſſe, to be committed to Jayle, till they find caution for their good behaviour in time comming. And for better execution of theſe preſents, ſpecial power, authority, and commiſſion is given, granted, and committed to all Sheriffs, Stewards, Proveſts, and Bailies, Juſtices of Peace, and Kirk Seſſions, within every Pariſh, to call, conveen and try the foreſaids perſons

persons, unlawes to uplift, *ad pios, & necessarios usus*, in every Parish to apply, and all and sundry other things to do and exerce, which necessarily is required for execution of these presents.

ACT XXI.

Anent discharging of Caulpes,

OUR SOVERAIGNE LORD, and Estates, understanding and considering the great hurt and skaith, which his Majesties Lieges have sustained these many years by-gone, by the Chiefs of Clans within the Highlands and Isles of this Kingdome, by the unlawful taking from them, their Children and Executors, after their decease, under the name of *Caulpes*, of their best aught, whether it be Oxe, Mear, Horse, or Cow, alledgeing their Predecessors to have been in possession thereof, for maintaining and defending of them against their enemies and evil-willers of old: And not only one of the saids Chiefes of Clans, will be content to uplift his *Caulpe*, but also three or four moe, every one of them will alleadge better right then other: And every one of them after ane other, will uptake the same, until foure or five several *Caulpes* will be taken from one person, howbeit never ane of the saids Clans have right thereto, or to the lands which the persons occupies, wherefra the *Caulpes* are uplifted: And so severe are they, that every ane of them after ane other, will pull their Horses and Oxen out of their Plowes, and Harrows, in the very time of their greatest businesse and labours: so that many of his Majesties Subjects which of old were inriched with sufficient store of goods and Bestial, and thereby made his Highnes, and others having right, thankful payment of their mails, caines, and dueties, indebted by them yearly to his Majestie, and others having right, are now, by the extortion of the saids Chiefs of Clans and others claiming right to the saids *Caulpes*, and by unlawful raising and uplifting thereof become depauperate, and unable to pay his Majesty, and others having good right, their just dueties. And seeing there was an Act made heretofore, in favours of the inhabitants of *Galloway*, by his Highnesse Predecessour, King JAMES the fourth, of worthy memory, in his second Parliament, and eighteenth Act or Chapter thereof: Discharging the saids *Caulpes*, and uptaking thereof, in all time comming thereafter, under the pain of punishment, as Reaf, and to bee ane point of Dittay against them in the Justice Aire.

Therefore OUR said SOVERAIGNE LORD, with advise of the Estates of this present Parliament, Statutes and Ordaines, that in no time comming none of his Highnes Lieges presume, nor take upon hand, to intromet with nor uplift the saids *Caulpes*, within any part of this Kingdome under the pain foresaid.

ACT XXII.

Anent the inbringing of Protocolles.

OUR SOVERAIGNE LORD understanding that that part of the Act of Parliament, made in July, 1587. years, Act xlv. Intituled, *When, who, and how, Notars should be admitted, and of their Cautioners, and Protocols*, Whereby it was Statute and Ordained, that all Protocol-Books of Notars, should be within fifteen dayes after the decease of the Notar, brought in to *Edinburgh*, and delivered to the Clerk of Register, or ane of his Deputes appointed by him for that effect, hath not been put to due execution in time bypast, wherethrough his Majesties Lieges have sustained great hurt and damnage: in so far as a great part of the Protocols, are vitiate and destroyed, by ryving out of the leaves forth of the saids Protocols, inserting and writing of false instruments upon the blank paper contained in the same Protocols: and sicklike, by inserting of sheets and quaires of new paper, whereupon instruments are falsified, by alteration of the dates of instruments, contained in the saids Protocols and many otherwayes, as hath been divers times exactly tryed by the Lords of Counsel and Session; and that the delaying of the execution of the said Act, hath proceeded upon ane ordinance contained therein, of satisfaction to be given by the Clerk of Register or his Deputes, to the relict, children, or executors of the saids Notars, for the said Protocol, whereby the Clerk of Register or his Deputes, would be drawn to very great and intollerable charges, in regard of the great number of the saids Books.

THEREFORE, and for remedy thereof, OUR SOVERAIGNE LORD with advise foresaid, discharges that part of the said Act of Parliament, anent any other satisfaction to be given to the relict, children, or executors of the Notars already deceased, or that shall happen to decease, (except as is hereafter expressed) & Statutes and Ordaines, that all persons, alswel relict, children, executors of whatsoever notar already departed, or other person or persons whatsoever, havers in their hands, custodie, and keeping of any Protocol-Book, of whatsoever Notar already deceased, as of Notars that shall happen to decease at any time hereafter, shall after the decease of the Notar, inbring the saids Protocols to *Edinburgh*, and deliver the same to the Clerk of Register, or his Deputes, to be appointed by him for that effect, under the paine of ane hundreth pounds to be incurred by them, who shall happen to be found to con-

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traveen, and thereafter the ſaids Notars Books to be retained and keept by the ſaid Clerk of Regiſter, or his ſaid Depute, to be appointed by him to that effect. At the deliverie and inbringing of which Protocolles, if the ſame ſhall bee inbrought by the ſaid relict or children, his Highnes with advice foreſaid, Ordaines the Clerk of Regiſter, or his Depute foreſaid, to make a note of the names of the ſaid relict and children of the defunct Notars, to the effect, that whenſoever any party ſhall purſue for tranſumpt of any inſtrument forth of the ſame, he ſhall be aſtricted hereby to ſummond by the party having intreſſe, the relict and children of the defunct Notar, to the effect that the ſaids relict and children may be ſatiſfied by the party, craving the tranſumpt of the ſaid inſtrument, at the modification of the Lords of Councel and Seſſion. And his Highnes with advice foreſaid, declares, that this Act ſhall not be extended to the in-bringing of the protocolles of theClerks of any free Burgh Royal within this Realme, deceaſed already, or that ſhall happen to deceaſe hereafter: but the relict and children of the ſaids Clerks of free Burghs, ſhall be halden to deliver the ſaids Protocolles to the Proveſt aud Baillies of the ſaids free Burghs, to remaine in the Regiſter of the ſaids free Burghs, and to be made forthcoming to all parties, having intreſſe, whenſoever they ſhall crave any inſtrument to bee tranſumed forth of the ſame at any time hereafter.

ACT XXIII.

Act *Salvo jure cujuſlibet.*

FOr-aſmuch as in this preſent Seſſion of Parliament, there are Ratifications paſt, wherein divers and new clauſes are inſert, which may be prejudicial to particular parties Rights, and derogative to many Lawes lawfully made and eſtabliſhed of before; albeit the meaning of his Highnes, be at this time, as it was ever in all preceeding Parliaments, That by no particular Act, any other party ſhould be hurt or prejudged.

For remedie thereof, It is Statute and ordained, that no Ratification paſt in this preſent Seſſion of Parliament, ſhall be prejudicial to any privat parties Rights: but that the ſaids Ratifications be allwayes underſtood, whether they be general or ſpecial. to be *Salvo jure cujuſlibet.*

FINIS.

ANE TABLE

Of the

PARTICULAR ACTS and others not Imprinted, paſt in the XXII. Parliament, holden at *Edinburgh*, the 28. day of June, 1617.

1 A *Commiſſion for heritable Offices.*
2 *A Commiſſion for keeping of Juſtice Courts.*
3 *Act anent the Clangregour.*
4 *Act in favours of the Archbiſhop of* Sanct-Andrewes.
5 *Act for a new aſſignation to the Caſtle of* Edinburgh, *out of his Majeſties propertie.*
6 *Annexation of* Fearne *to the Biſhoprick of* Roſſe.
7 *Annexation of* Corſreguale *and* Monimusk *to the Biſhoprick of* Dumblane.
8 *Annexation of* Icolmekil *and* Archattan *to the Biſhoprick of the* Iles.
9 *Act anent the Chapter of the Biſhop of the* Iles.
10 *Act anent the erection of the Kirk of* Ballintrae.
11 *Union of the Kirks of* Kilbride *and* Renfrew, *to the Colledge of* Glaſgow.
12 *Act for changing of the Kirk of* Strathgeth.
13 *Act for changing the Kirk of* Lawder.
14 *A Commiſſion anent barking of Hides.*
15 *Ratification in favours of the Duke of* Lennox.

16 *Ratification in favours of the Earle of* Dunfermling, *Lord Chancellour.*
17 *Ratification to the Earle of* Argyle.
18 *To the Earle of* Errol.
19 *To the Earle of* Hume.
20 *Proteſtation made by the Lord* Roſſe.
21 *Act in favours of* Robert Maxwel.
22 *Proteſtation made by divers perſons anent the ſaid Act,*
23 *Act in favours of the Lord* Sanqhuare.
24 *Two Ratifications in favours of the Lord* Binning.
25 *Ratification to the Lord* Blantire.
26 *To Sir* Gideon Murray *of divers his infeoftments.*
27 *To Sir* Gideon Murray, William *and* Walter Murrayes *his ſons.*
28 *To Sir* Gideon Murray, *of the Proveſtrie of* Crichtoun.
29 *To the Lord* Colvil *of* Culros.
30 *To Sir* Andrew Hamilton.
31 *To Sir* Patrick Murray.
32 *To* John Murray *of* Lochmaben.
33 *To him and the Laird of* Lochinwar.
34 *To the old Colledge of* Aberdene.
35 *To the new Colledge of* Aberdene.
36 *To Sir* Henry Wardlaw.
37 *To him and* James Baillie.
38 *To Maſter* James Olyphant.
39 *To Maſter* Patrick Hamilton.
40 *To the Town of* Aberdene.
41 *To Maſter* William Olyphant.

FINIS.

THE

THE ACT

Anent the Setling of Meaſures and Weights, concluded at Edinburgh, *the* 19. *day of Februar*, 1618. *yeares. By the Commiſſioners having power to doe the ſame by Act of Parliament made the twentie eight day of June*, 1617.

FORSOMUCH as in OUR SOVERAIGNE LORDS laite Parliament holden at *Edinburgh*, the xxviij day of June laſt by paſt, his Highnes and Eſtates conveened therein, Mooved by the general complaint of all his loving Subjects: and in reſpect of their ſenſible prejudice ſeene and felt through many parts of this Kingdome by reaſon of the diverſitie of Meaſures and Weights uſed within the ſame.

Therefore OUR ſaid SOVERAIGNE LORD, with adviſe of his ſaids Eſtates; For removing of all abuſes which may enſue in any time to come, thereby hath found expedient and by Decreet and Statute of the ſaid Parliament; Decerned, Statute, and Ordeined, That there ſhall bee but one juſt Meaſure and Weight, through all the partes of this Kingdome; which ſhall Univerſallie ſerve all his Highnes Lieges, by the which they ſhall buy, ſell, receave, and give out, in all tyme to come. Which Meaſure his Majeſtie with adviſe foreſaid, Fand; ſhould be that Meaſure of *Lanlithgo*, which is now commonlie uſed and which hath been uſed moſt cuſtomablie through the greateſt part of this Kingdome theſe fiftie or threeſcore yeares bypaſt. And for ſetling of a perfyte order whereby all the Meaſures that are now uſed may be reduced to the conformitie of the ſaid Meaſure now authorized, and for making of proportion anſwerable betwixt the Leſſer Meaſures and Weights, and the Greateſt.

His MAJESTIE with adviſe foreſaid, granted full power and Commiſſion, to Sir *James Weemes* of *Bogie* Knight, Sir *George Auchinlek* of *Balmanno* Knight, Sir *James Fowles* of *Colingtoun* Knight, Sir *Robert Stewart* of *Shillinglaw* Knight, Sir *Johne Waws* of *Barnbarro* Knight, Sir *William Greirſon* of *Lag* Knight, And to *James Niſbet* Baillie and Burges of *Edinburgh*, Maſter *Alexander Wedderburne* Clerk of *Dondie*, Sir *Thomas Menzeis* Proveſt of *Aberdene*, *James Hamilton* Proveſt of *Glaſgow*, *John Oisburne* Burges of *Aire*, and Sir *George Bruce* of *Carnok* Knight, Burges of *Culros*: Whom or any eight of them, His Majeſtie with advice foreſaid, Ordained to meet and conveine together, at ſuch tyme and place as they ſhould think expedient. And to conſult and adviſe together, and to appoint and determine upon the moſt convenient meanes how the ſaids Meaſures and Weights might be reduced to the conformitie foreſaid. As in the ſaid laite Act of Parliament at more length is contained.

Which whole Commiſſioners foreſaids, having mett and conveened within the Burgh of *Edinburgh* upon the twentie ane day of Januar laſt by-paſt, and the moſt part of them upon divers and ſundrie others dayes thereafter in the ſaid Moneth of Januar and Februar inſtant. And having read and conſidered the foreſaid Act of Parliament, anent the ſaids Meaſures and Weights, and finding that It is Ordained that there ſhall be onlie Ane juſt Meaſure and Weight, through all the parts of this Realme which ſhall univerſallie ſerve all his Majeſties Lieges (by the which and no other) they ſhall buy and ſell, in all tyme comming. And that it is declared by the ſaid Act that the foreſaid Meaſure and Firlot of *Linlithgou*, which is now commonlie uſed and which hath bene moſt cuſtomablie uſed through the greateſt part of this Kingdome theſe fiftie or threeſcore yeares bygone, ſhall be the foreſaid juſt Meaſure & Firlot which ſhall be receaved and uſed by all his Majeſties Lieges in all tyme comming. And that Commiſſion is given be vertue of the ſaid Act to the ſaids Commiſſioners for ſetling of a perfect order, whereby all the ſaids Meaſures that are now uſed, may be reduced to the conformitie of the ſaid Meaſure of *Linlithgou*. And for making of a proportion betwixt the leſſer Meaſures and Weights and the greateſt. Have firſt thought it meet and expedient that the Proveſt and Baillies of *Linlithgou* who are keepers of the ſaid Meaſure ſhould produce before them the ſaid Meaſure which hath been given out be them to the Burrowes & all others his Majeſties Lieges theſe fiftie or threeſcore yeares bygone, with their Jedges and warrands which they have for the ſame. Who being cited for that effect, Produced before the ſaids Commiſſioners their ſaid Meaſure & Firlot with the Jedge which is their warrand thereof. And the ſame Meaſure and Firlot being found agreable with the ſaid Jedge, the ſaids Commiſſioners cauſed preſentlie fill the ſame with watter, which being full, they fand that the ſame contained Twentie ane Pintes & ane Mutchkin of juſt *Sterline* Jug and Meaſure, and that the foreſaid Jug containes within the ſame Three pounds, and ſeaven ounces of French Troys Weight, of clear running watter of the watter of *Leith*. And becauſe the ſaids Commiſſioners could find out no other meane whereby they might trye the warrand of the Quantitie of the ſaid Meaſure and Firlot of *Linlithgou*, which hath been in uſe theſe fiftie or threeſcore yeares bygone, But be taking of the Oaths of the ſaids Proveſt and Baillies thereanent: They tooke the Oath of *Andro Milne*

Proveſt of the ſaide Burgh of *Linlithgo*, *Andro Bel* and *James Glen* Baillies thereof, who being with all requiſite Solemnitie Sworne: Deponed upon their conſciences; That the foreſaid Firlot and Meaſure produced by them, was the verie true and Juſt Meaſure which hath been given out to his Majeſties Leiges by them and their Predeceſſors theſe fiftie or three-ſcore yeeres bygone, and that the ſame by their knowledge hath never been altered in any ſort during the tyme foreſaid, and ſicklike declared upon their conſciences, that ſo far as they could trye by the moſt ancient and aged perſons of their Burgh, that the foreſaids Jedges are of great antiquitie, and have never bene altered or changed in any tyme bygone: And that they never had, nor hes, any other Meaſure, or Jedge to their knowledge.

Which Firlet, the ſaids Commiſſioners Have Found, and Declared, Statute and Ordeined, to be the Juſt and onlie Firlot which ſhall be received and uſed, by all his Majeſties Leiges in all tyme comming: For metting of Wheat, Rye, Beanes, Peas, Meal, Whyt Salt, and ſuch other ſtuff and Victual as before this tyme hath bene in uſe to bee Meaſured by ſtraik Mett, within this Kingdome. The Wydnes and Breadnes of the which Firlot under and above even over within the buirds, ſhall contein nyneteen Inches, and the four part of ane Inche; and the deipnes, ſeven Inches, and ane thrid part of ane Inche: and the Peck, halfe Peck, and fourth part Peck to be made effeirand thereto; And the ſteppes of the ſaid Firlot to be in thicknes one Inche at the leaſt: That the Bottome thereof be croſſed with Iron nayled to the ſame, and to the Ring of the Firlot; and the edge of the bottome entring within the lagene be pared outwith towards the nether-ſyde, and to be made inwith plaine and juſt rule-right; That the mouth bee ringed about with ane croce or girth of Iron inwith and outwith, having a croce Iron barre paſſing over from the one ſyde to the other, three ſquared, and edge doun, and a plaine ſyde up, which ſhall go reul-right with the edge of the Firlot, and everie ſquare ſhall be ane juſt Inche of Breadth. And that there be ane prick of Iron one Inche in roundnes, with ane ſhoulder under and above and ryſing upright out of the Centre or midſt of the bottome of the Firlot, and paſſing through the midſt of the ſaid over croce-barre, rooved both under and above.

AND that the ſaid Cowpar cauſe the ring-ſtraik of the ſaid Firlot, paſſe from the one end of the ſaid over Iron barre to the other: And the ſame to be brunt and ſealled, with the mark of foure Crownes, upon both the ſydes of the bottome, with fyve impreſſions of the Letter L. upon the lippes thereof. And for eſcheuing of fraud in all tyme comming; The ſaids Commiſſioners all in one voice but diſcrepance or variance, Have thought expedient, Statute and Ordeined, by vertue of the foreſaid Commiſſion granted to them by the ſaid laite Act of Parliament, That all Victual and ſtuff ſhall be Meaſured by ſtraik, through all the parts of this Kingdome, in all tyme comming. And by reaſon that Mault, Beare, and Aites have ever beene uſed to bee Meaſured by heape; and that by the meaning of ſeveral preceeding Acts of Parliament, IT hath been thought, that the Heape in proportion was the juſt thrid of the Firlot and Peck, So that three ſtraiked Firlots, for two heaped Firlots, Sex ſtraiked Firlots for foure heaped Firlots, was thought to bee a juſt proportion, the one agreable to the other. And the ſaids Commiſſioners by tryal and examination having found that the Heape in proportion, IS not the juſt thrid part of the Firlot and Peck, but that there is a great difference therein, and no ſmall prejudice both to the giver and receiver, of three ſtraiked Firlots or Pecks, for two heaped Firlots or Pecks, and conſequentlie of ſex for foure, the Heape being alwayes the leſſe meaſure as ſaid is.

THEREFORE they have found it expedient to cauſe make ane particular Meaſure or Firlot, for metting of Mault, Beare, and Aites, by ſtraike, in all tyme comming, which being made and produced in their preſence, they after tryal and examination thereof, Have found the ſame in proportion neareſt to the ſaid Heape, ſo that foure ſtraiked Meaſures or Firlots thereof, conteines in juſt proportion (and to the leſſe prejudice of all his Majeſties Leiges) foure heaped Firlots. Which the ſaids Commiſſioners having cauſed fill with cleare running water of the water of *Leith*, They find the ſame to conteine Thrittie one Pynts, of the juſt *Sterline* Jugge and Meaſure, ilk Pinct conteining the Weight foreſaid. And the ſame to bee in wydnes and breadnes equal and conforme to the former Firlot, and in deipnes, Ten Inches and ane halfe Inche.

WHICH they Find, Statute and Ordeins, To remaine as ane juſt Meaſure and Firlot, to be Uſed for metting and meaſuring of Mault, Beare, and Aittes, by ſtraike, in all tyme comming. And that the Pecks, halfe Pecks, and fourt part Pecks thereof be made conforme in proportione to the ſame laſt Firlot: Which new Firlot in all other reſpects ſhall be agreable in forme with the old ſtraike Firlot above-written, having one Iron girth more in the midſt thereof outwith, and marked with the impreſſion of the letter H. on the outmoſt ſyds thereof.

AND the ſame with the foreſaid other Firlot conteining twentie ane pincts and ane mutchkin, To bee given out by the ſaids Proveſt and Baillies of *Linlithgow*, to whoſe cuſtodie the ſame was committed of old, To the Burrowes and all others his Majeſties Leiges for that effect, betwixt the date hereof and the twentie day of Apryle next-to-com. And that foure fulles of either of the foreſaids Firlots conteine and bee repute to bee ane juſt BOLL, in all tyme comming allannerlie. Sicklyke the ſaids Commiſſioners having conſidered the great Prejudice ſuſteined by all OUR Soveraigne LORDS Lieges through the diverſitie of Weights, uſed within all the parts of this Realme.

THEREFORE and conforme to their ſaid Commiſſion and Act of Parliament foreſaid, and for eſcheuing of all fraud, Have though expedient, Statute, and Ordeined, That there ſhall be onely one Juſt

Weigh

Weight through all the parts of this Kingdome, which ſhall univerſallie ſerve all his Majeſties Lieges (by the which and no other) they ſhall buy and ſell, all and whatſomever Wares accuſtomed to be bought and ſauld by Weight alſwel Forraine, as Countrie-Wares; in all tyme hereafter: to wit, The French Troys Stone Weight, conteining Sexteine Troys Pounds, in the Stone, and Sexteine Troys Unces in the Pound, and the leſſer Weights and Meaſures to be made in proportion conforme thereto: (And that Weight called of old the Trone weight to be allutterlie aboliſhed and diſcharged, and never hereafter to be receaved nor uſed.) And in reſpect that the keeping and out-giving of the Weights of old to the Burrowes, and others his Majeſties Lieges within this Kingdome; was committed to the Burgh of *Lanerk*: Therefore the ſaids Commiſſioners have committed the keeping and out-giving of the ſaid French Troys Stone Weight, now eſtabliſhed, to the foreſaid Burgh of *Lanerk* and their Succeſſors, to be given out by them and their ſaids Succeſſors to the Burrowes and others his Majeſties Lieges, betwixt the date hereof and the Firſt day of Maij next-to-come, and in all tyme comming.

AND Lykewayes Statutes and Ordeins, that there be double Standards of the foreſaids Firlots and Meaſures, and Jedges thereof, and of the foreſaids Weights, Two of everie one of them to remaine in the Regiſter, within the Caſtel of *Edinburgh*, and other two within the Caſtel of *Dunbritane*, therein to remaine as a warrand for the Meaſures allannerlie. And the other in the Townes to whom they have been committed of old as ſaid is, to be direct foorth to the whole Lieges to be uſed univerſalie. And this without prejudice to any perſons who are founded, infeoft, or addetted, by Tack or contract, of old or new fermes of other Meaſures and Weights; but that their Foundation, Infeoftment, Tack, or Contract, ſhall be proportioned to the Meaſure and Weight now eſtabliſhed, ſo that the ſame quantitie ſhall remaine with the giver and receiver, but prejudice to any of them. Sicklyke they have found and declared, That the Elne and Stand thereof committed to the keeping of the Burgh of *Edinburgh*, conteineth Thirtie ſeven Inches. And that the Pinte Stowp, committed to the keeping of the Burgh of *Sterline*, conteineth the Weight of Three Pounds ſeaven ounces of French Troys Weight cleare running watter of the watter of *Leith*. Which Elne, and Stowp, They Statute and Ordaine, to remaine and abyde in the ſame integritie as they are now, and that no other Elne nor Stowp, or greater or leſſe proportion containing the ſaid weight, ſhall be receaved by ane of his Majeſties Leiges in any tyme comming, to buy or ſell with, in any part of this Kingdome. And that the halfe and quarter Elnes, and halfe quarters, and Nails: Quart, Chopin, Mutchkin, and halfe Mutchkine Stowps, bee made in proportion conforme thereto. And the Burghes of *Edinburgh*, and *Sterline*, to whome the keeping thereof hath been committed of old; have the out-giving of the ſame to the reſt of the Burrows and all others his Majeſties Lieges to that effect, betwixt and the Firſt day of Apryle next-to-come: And that they have dowble Standards of the ſaids Elne, and Stowp, Two of everie one of them, To remaine in the Regiſter within the Caſtel of *Edinburgh*, and within the Caſtel of *Dunbritane*, for a warrand as ſaid is: and the other with themſelves and their Succeſſors, to whome they have been committed of old: And that the foreſaids Meaſures, Mets, and Weights, with the which all and whatſomever perſons ſhall be holden to buy, ſell, mett, Meaſure, Weigh, and deliver, have courſe allannerlie within this Realme; after the dayes reſpective after following *viz.* The Weights after the Firſt day of May next-to-come, and the Meaſures of Firlots and Pecks, and the reſt of that degree, after the Firſt day of June next thereafter, and no other Weights, Mets, nor Meaſures, to be receaved nor uſed in any tyme hereafter; in any part of this Kingdome, under the paines contained in the Acts of Parliament made thereanent: and that all Firlots to be uſed in Markets both to Burgh and Land be brunt and ſealed either with the Marks and Seals of *Linlithgou* in maner foreſaid, or with the burning Iron of the head Burgh of the ſhyre wherein the ſaids markets are holden, And that the Proveſt and Baillies of Royal Burrowes, and Cities both Regalitie and Royaltie, and als the Baillies of Burrowes in Baronnie, and Juſtices of Peace in whatſomever places where Markets of Victual are holden, or others Forraine or Countrie-Wares ſhall be bought, ſauld, and Weighed, Mett, and Meaſured, ſhall be bound, That all Meaſures and Weights to be uſed ſhall be of one forme and quantitie, according to this preſent Act: And if any different Meaſures and Weights be found in any of the places above-mentioned, The ſaids Proveſt and Baillies of Royalties, Regalities, Baronies and Juſtices of Peace; ſhall take order therewith, and if need be ſhall be holden to informe the Kings Majeſties Council thereof, that they may take order thereanent as appertaineth.

Provyding alwayes as is before provyded, if any perſons be founded or infeoft, and addetted by Tack, or Contract, of old or new Ferme, of other Meaſures & Weights, then are before written in manner foreſaid; Their foundation, Tack or Contract, whether it be more or leſſe, ſhall be proportioned to this Meaſure and weight which now is eſtabliſhed, ſo that the ſame quantitie ſhall remaine with the giver and receaver, but prejudice to any of them in maner particularlie before expreſſed. And becauſe by the Proviſions immediatlie before written, divers Pleyes and queſtions, may aryſe betwixt parties, receavers and deliverers, Maiſters and tennents, Fewers and their Superiors, anent Fermes and Victual, and ſicklyke anent other ſtuff and dueties addetted, and bound to be payed and delivered by Weight, either by Infeoftments, Tacks, Foundations, Bandes, or Contracts whatſomever, made before the date hereof anent the conforming and proportionating of the Meaſures and Weights contained in the ſaids infeoftments, Tacks, Foundations and others Securities foreſaids, with the Meaſures and Weights now eſtabliſhed, if ſure nottice and tryal be not taken of the juſt Meaſure and quantitie of the Meaſures and Weights, which have been moſt Cuſtomablie uſed & receaved

these fiftie or threescore yeares bygone, within the Shiresdomes under-written, *viz.* *Lanerk*, *Wigtoun*, *Drumfreis*, *Roxburgh*, and *Bervik*. In the which the saids Commissioners considering evidentlie the greatest diversitie of measures and weights, from the measures and weights now established, to be for the most part: So that these fyve Shyres being brought to the conformitie aforesaid, the rest of the Shyres within this Kingdome may be easilie reduced to the same, conforme to this present Act.

THEREFORE the saids Commissioners, Finds it meet and expedient, and by these presents Statuts, Decernes, and Ordains, That the Shirref of everie one of the foresaids fyve shyres of *Lanerk*, *Wigtoun*, *Drumfreis*, *Roxburgh*, and *Bervik*; or their Deputes shall warne the Baillies of Regalities within the same Shyres, and Stewarts of Stewartries thereof, if any bee, Justices of Peace, and Magistrates of Burrowes, To conveen ilk one of them within the hēade Burgh of the same Shyre wherein they are Magistrates, within twentie dayes after the Councils pleasure shall be signified to them thereanent: and there not onlie to receave and embrace the saids measures and weights, from the Provest and Baillies of *Linlithgou* and *Lanerk*, to whom the keeping thereof is concredit in maner foresaid, and which are established by this present Act: But also to take tryal & cognition of the difference betwixt the saids old measures & weights, and the measures & weights now established. And to appoint, conclude and determine, ilk one of them within their own bounds, what proportion lesse or more shall be given and receaved in tyme comming, for the conforming of their Fermes and dueties addetted by former infeoftments, foundations, Tacks, contracts, bands and Securities, to the foresaids Measures and Weights now established, and to insert the same in their Registers and Court books; To remaine with them for decisioun of such controversies as may aryse in those bounds hereafter, anent the disconformitie foresaid: and to report their diligence thereanent and conclusion in writte authenticklie subscryved by the saids Shirrefs of Shyres, Magistrats of Royal Burrowes, Baillies of Regalities, Burghs of Barronies and Justices of Peace; conveening within ilk ane of the foresaids Shiresdomes: And to present the same to the Lords of his Majesties Council and Session, before the first day of Julie next-to-come; To the effect the same may be delyvered to the Clerke of Register to be insert in the bookes of Council (*ad futuram rei memoriam*) And that none of the foresaids fyve shyres, nor no others his Majesties Lieges within this Kingdome, presume or take upon hand in tyme to come; To buy, Sell, block, bargane, contract, or sett in Tack, to, or with others, for receipt or delyverie, with any other weight, Mett, or measure, nor the same which now by this present Act is approoved and established. And this for report of the Commission above-written, requyring the Lords of OUR SOVERAIGNE LORDS Council and Session, That letters may be direct for publication of the premisses by open proclamation at the market Croces of the head Burrowes of this Realme, and other places needful that non pretend ignorance of the same, Commanding and charging all and sundrie the saids Provests and Baillies of Burrowes and Cities, both of Royalitie, and regalitie, and also the Baillies of Burrowes in Barronnies, and Justices of Peace, and others whatsomever, in places where markets are holden; To put in execution this present Act and everie part thereof in so farre as concerneth them, so that the same may take full effect after the dayes respective foresaids: With certification to them and they faillye, they shall be called and accused, and the paines contained in the Acts of Parliament, shall bee execut upon them in all rigour in example of others. In witnessing of the which the saids Commissioners have subscryved these presents with their hands, day, yeere, and place foresaids. And ordains these presents to be delyvered to the Clerke of Register, to the effect he may cause insert the same in the Register of Parliament.

FINIS.

THE

THE XXIII.

PARLIAMENT

Of Our Moſt High and Dread Soveraigne

JAMES

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE and IRELAND, Defender of the Faith, &c.

Halden at Edinburgh, *the fourth day of Auguſt*, 1621. *by the Noble and Potent Lord JAMES Marquis of* Hamilton, *Earle of* Arrane, *and* Cambridge, *Lord* Aven, *and* Innerdail, *&c. Commiſſioner appointed for holding of the ſaid Parliament, by vertue of his Majeſties Commiſſion granted to him under the great Seale of this Kingdome: with the ſpecial adviſe, conſent aud aſſent of the Eſtates of this Realme.*

ACT I.

A Ratification of the Five Articles of the General Aſſembly of the Kirke, halden at Perth, *in the Moneth of Auguſt*, 1618.

OUR SOVERAIGNE LORD, With advice and conſent of the Eſtates of Parliament preſently conveened, ratifies and approves the Acts of the General Aſſembly of the Kirk, halden at *Perth*, the xxv day of Auguſt, the yeare of God Jai Vic and eighteen, and concluded the twenty ſeventh of the ſame Moneth, *Seſſione ſecunda*, Whereof the tennour followeth.

I.

SINCE We are commanded by GOD himſelfe, that when wee come to worſhip him, wee fall down & kneele before the LORD our Maker; & conſidering with all, that there is no part of Divine worſhip more heavenly & ſpiritual, then is the holy receaving of the bleſſed body and blood of our LORD and Saviour JESUS CHRIST: Lyke as the moſt humble and reverend geſture of the body in our meditation and liſting up of our hearts, beſt becommeth ſo divine and ſacred an Action. Therefore notwithſtanding that our Kirk hath uſed ſince the Reformation of Religion, to celebrate the holy Communion to the people ſitting, by reaſon of the great abuſe of kneeling uſed in the Idolatrous worſhip of the Sacrament by the Papiſts: Yet now, ſeeing all memory of by-paſt ſuperſtition is paſt. In reverence of GOD, and in due regaird of ſo Divine a Myſterie, and in remembrance of ſo myſtical ane Union, as wee are made partakers of; The Aſſembly thinketh good, that, that bleſſed Sacrament be celebrated hereafter meeklie and reverentlie upon their Knees.

II.

ITEM, if any good Chriſtian viſited with long ſicknes, and knowne to the Paſtor; by reaſon of his preſent infirmitie, unable to reſort to the Kirke, for receaving of the holy Communion, or being ſicke, ſhall declare to the Paſtor upon his conſcience, that hee thinkes his ſickneſſe to be deadly, and ſhall earneſtly deſire to receave the ſame in his houſe: The Miniſter ſhall not deny to him ſo great a comfort, lawful warning being given to him upon the night before, and that there bee three or foure of good Religion and converſation, free of lawful impediments, preſent with the ſicke perſon to communicate with him, who muſt alſo provide a convenient place in his houſe; and all things neceſſarie for the reverend adminiſtration thereof, according to the order preſcrived in the Kirke.

III.

ITEM, The Miniſter ſhall often admoniſh the people, that they differre not the Baptiſing of Infants, any longer then the next Lordes day after the childe bee borne, unleſſe upon a great and reaſonable cauſe declared to the Miniſter, and by him approved. As alſo they ſhall warne them, that without great cauſe they

they procure not their children to be Baptized at home in their houſes, but when great need ſhall compel them to baptize in privat houſes (in which caſe, the Miniſter ſhall not refuſe to doe it, upon the knowledge of the great need; and being timely required thereto) then Baptiſme ſhall be adminiſtred after the ſame forme as it ſhould have been in the Congregation. And the Miniſter ſhall, the next Lordes day after any ſuch private Baptiſme, declare in the Kirke; that the Infant was ſo baptiſed, and therefore ought to be received as one of the true flocke of CHRISTS folde.

IV.

ITEM, Forasmuch as one of the moſt ſpecial meanes for ſtaying the increaſe of Poperie, and ſetling of true Religion in the hearts of the People, is; That a ſpecial care be taken in tryal of young children their education, and how they are catechized: Which in tyme of the Primitive KIRK was moſt carefully attended, as being moſt profitable to cauſe young children in their tender yeares, drinke in the knowledge of GOD, and his Religion, but is now altogether neglected in reſpect of great abuſe and errours which crept into the Popiſh Kirke; by making thereof a Sacrament of Confirmation: Therefore that all ſuperſtitions built thereupon may be reſcinded, And that the matter it ſelfe being moſt neceſſarie for the education of the youth, may be reduced to the Primitive integritie.

IT is thought good that the Miniſter in everie Pariſh ſhall catechize all young children of eight yeares of age, and ſee that they have the knowledge, and bee able to make rehearſal of the Lords Prayer, Belief, and ten Commandements, with anſwers to the queſtions of the ſmal Catechiſme uſed in our Kirke: And that everie Biſhop in his viſitation ſhall cenſure the Miniſter who ſhall bee found remiſſe therein; And the ſaids Biſhops ſhall cauſe the ſaids Children to be preſented before them, and bleſſe them with prayer for the increaſe of their knowledge: and continuance of Gods heavenlie graces with every one of them.

V.

ITEM, as wee abhorre the ſuperſtitious obſervation of Feſtival dayes by the Papiſts, and deteſt all licentious and prophane abuſe thereof, by the common ſort of profeſſors; So we think, that the ineſtimable benefites receaved from God, by our Lord JESUS CHRIST his Birth, Paſſion, Reſurrection, Aſcenſion, and ſending downe of the Holy Ghoſt, was commendably and godly remembered, at certaine particular dayes and times by the whole Kirk of the world; and may be alſo now. Therefore the Aſſembly Ordaines, that every Miniſter ſhall upon theſe dayes have the commemoration of the foreſaide ineſtimable benefites, and make choice of ſeveral and pertinent Texts of Scripture, and frame their doctrine and exhortations thereto; and rebuke all ſuperſtitious obſervation and licentious profanation thereof.

Which Articles and ordinances, OUR SOVERAIGNE LORD with advice and conſent of the Eſtates, Statutes and ordaines to be obeyed and obſerved by all his Majeſties ſubjects as Lawes in time comming; Annulling and reſcinding whatſomever other Acts of Parliament, Conſtitutions and Cuſtomes; In ſo farre as they are derogative to any of the Articles above-written.

ACT. II.

Anent the Taxation granted to his Majeſtie *of Threttie ſhillings tearmly, upon the pound Land, and the twentie pennie of all Annual-rents.*

IN the PARLIAMENT holden at *Edinburgh*, the fourth day of *Auguſt*, the yeare of God 1621. the Eſtates of Parliament preſently conveened, conſidering the infinite expences and great burden which the Kings moſt ſacred Majeſtie their dread Lord and Soveraigne, hath been conſtrained by the ſtraiteſt bonds of religion to undergoe of late, and in all likely-hood ſhall lye under a long time; By procuring by Treatiſe or Armes, eaſe and libertie to thoſe who ſuffer for the Goſpel of Chriſt Jeſus profeſſed in this land; and therewithall calling to mynde the long peace flooriſhing with religion and Juſtice, which they have enjoyed theſe many yeares paſt; and doe yet ſtill enjoy in this univerſal combuſtion of the Chriſtian world, and that by the wiſe, juſt and happy governement of his ſacred Majeſtie: and that they have nothing to bee returned to ſo great a King for ſo exceeding greate and rare benefites, but heartie and zealous affections ceeding to no Nation, and ever ready with their goods, landes, and lives, to maintaine true Religion, his Majeſties royal perſon and poſteritie, their Honours and Crownes. Therefore in moſt humble manner, The ſaids whole Eſtates of this Realme doe earneſtly beſeeke his moſt ſacred Majeſty, graciouſly to accept this their offer of ane Taxation to be impoſed, collected, and payed to his Highneſſe, by the ſaids Eſtates in manner and at the foure Tearmes following: That is to ſay, The Earles, Lords and Commiſſioners of Shyres, for the Temporal Eſtate, have granted, that there ſhall be up-lifted of every pound Land of auld extent, within this Realme, pertaining to Earles, Lords, Barons, Free-holders, and Fewars of his Majeſties proper Lands, the ſumme of Thirtie ſhillings money at every ane of the foure Tearmes following, *viz.* The ſumme of XXX. ſhillings at the Feaſt and Tearme of Candlemes next to come, in the yeare of GOD 1622. The ſumme of other XXX. ſhillings at the Feaſt and Tearme of Martinmes, in the yeare of GOD, 1622. The ſumme of other XXX. ſhillings at the Feaſt and Tearme of Martinmes, in the yeare of GOD, 1623. And the ſumme of other XXX. ſhillings at the Feaſt and Tearme of Martinmes, in the yeare of GOD, 1624. The Archbiſhops, and

and Biſhops for the Spirituall Eſtate, have granted that there ſhall bee up-lifted of all Arch-Biſhopricks, Biſhopricks, Abbacies, Priories, and other inferiour benefices within this Realme; at every ane of the Foure Tearmes above-ſpecified, the juſt Taxation thereof, as they have been accuſtomed to be taxed unto at all time by-gone, whenſoever the temporal Lands of this Realme were ſtented to thirty Shillings of auld extent: And the ſame Taxation to be payed at every ane of the foure ſeveral Tearmes above-ſpecified. And the Commiſſioners of Burrowes for their ESTATE, have granted, that there ſhall bee up-lifted of all Burrowes within this Realme, at every ane of the Foure Tearms above-written, the juſt Taxation thereof, as they have been accuſtomed to be taxed in all time by-gone, whenſoever the temporal Landes within this Realme were ſtented to thirtie ſhillings the pound land of auld extent. And the ſaid taxation to be payed at every ane of the Foure ſeveral tearmes above-written. And in regard that his Majeſty hath erected ſundry Prelacies in temporal Lordſhips, whereby the owners thereof may claime to be taxed with the Barons of the temporall Eſtate, and therethrow his Highneſs will be defrauded of a great part of the ſame taxation.

THEREFORE IT IS Statute and Ordained, that all Erections of Prelacies, and other ſmal Benefices, in whole or in part, in Temporal Lordſhips, ſhall in payment of the ſaid taxation, pay to the Collectors thereof ſo meikle of the ſame Taxation [*prorata*] as if they were no-wiſe erected, and as they were ſubject to do before the erection of the ſame. And ſicklike, IT IS Statute and ordained, That all diſſolved Benefices within this Realme, in whole or in part, ſhall bee ſubject in payment of ſo meikle of the ſame Taxation [*pro rata*] as they would have been ſubject to pay ſo the ſame had not been diſſolved, and that the parties who have gotten any part or portion of any Prelacies, or other inferior Benefices diſſolved, and new ſecurities made unto them by his Majeſtie, of that part and portion thereof ſo diſſolved, ſhall be ſubject to the payment of the Taxation thereof to the Prelate, or other beneficed perſon for his reliefe of the ſame Taxation; as they would have been, ſo the ſame had not been diſſolved: Notwithſtanding of any condition contained in the infeftments and ſecurities made by his Majeſty to them in the contrary hereof.

AND FORDER, the ſaids Eſtates Annulles and diſcharges all Priviledges and Immunities whatſoever, whereby any perſons may think themſelves free of payment of this preſent Taxation (the Priviledges granted to the Ordinar Senators of the Colledge of Juſtice, and the Taxation of the Benefices given, diſponed and mortified for the intertainment of the Univerſities and Colledges within this Kingdom only excepted.) AS ALSO the ſaids Eſtates conſidering that beſides the ordinary charges which his Majeſty doth daily undergoe for the maintenance of the Honour, Eſtate and Dignity of his Highnes Kingdomes; The extraordinarie burdings which now lye upon his Majeſty by the occaſions before-written, are ſo great, and do ſo neare concern every Loyal and true hearted Subject of this Kingdome, as members of that body whereof his Majeſty is the head: that in duty they think themſelves bound to bear a part of that burden, and to relieve his Majeſty thereof. Therefore beſides the Ordinar Taxation above-written, THE ſaids Eſtates have for the ſpace of Four years next and immediatly following the Tearme of Martinmeſſe next to come, Voluntarly and freely granted to his Majeſty a yearly extraordinar Taxation of the Twenty pennie of all Annual-rents, which any perſon or perſons within this Kingdom have freely due and payable to them yearly or tearmly [their own Annual-rent wherein they are addebted to others, being firſt deduced.] The firſt Tearmes payment whereof ſhall bee and begin at the ſaid Feaſt and Tearme of Martinmeſſe next to come, and ſo forth yearly and tearmly at Whitſunday and Martinmeſſe, while the ſaids Four years and the eight Tearms payment thereof be fully and compleatly out-run. And for the better tryal of every man his Annual-rent which he hath yearly or Tearmly due to him: IT IS ordeined, that this Act ſhall be publiſhed at the Market-croſſe of the Burgh of *Edinburgh*, and of the whole head Burrowes of the Shirreffdoms, Stewardries, Bailliries, and Regalities, within this Kingdome, whereby all his Majeſties Lieges may have true notice thereof. And therewithal the ſaids Eſtates WILLES, Ordains and Commands, all his Majeſties Lieges that have any Annual-rent payed to them, That they compear within the ſaid Head Burgh of the Shirreffdome, Stewardrie, Baillirie, or Regality, or the Head Burgh in any of theſe Juriſdictions where the head Courts are halden, and where the ſaids Annual-renters dwell, or have their ordinar reſidence, in any court-day in ane of the laſt Weekes Immediately preceeding Whitſonday or Martinmeſſe. At which time the Shirreffs, Stewards, Baillies, and Baillies of Regalities, and Proveſt and Baillies of burrows, who are heretable Shirreffs within themſelves, within the bounds of their Juriſdictions: ſhall be obliſhed to hold Courts weekly to the effect after-ſpecified. And the Lieges reſorting to the ſaids Courts, ſhall give up Inventors to the Clerk thereof, of the whole ſummes of money for which Annual is due to them yearly and tearmly, the names of the Debters: As alſo the whole ſummes of money for the which they are ſubject in payment of annuel-rent to others, with the names of the Creditors to whom the ſame is due, whether the ſame annual-rent be in Victual or Silver, The annual-rent of Victual to be eſtimate according to the Stock of money for the which it is paid at Ten for ilk hundreth thereof, And ſhall cauſe the parties up-givers of the ſaids Inventors, every party ſubſcrive his own Inventor himſelf if he can write, and if he

cannot write, the Clerke of the ſaid Court ſhall ſubſcrive the ſaid Inventor in face of Court, before the members thereof. And alſothe Sherriff, Steward, Baillie, Baillie of Regality, Proveſt and Baillies of Burrowes, who are heretable Shirreſs within themſelves, within the boundes of their Juriſdictions: And Clerkes themſelves ſhall make and give up an Inventor of the debts owing unto themſelves, and by themſelves, as ſaid is. IT IS alwayes provided, that if any perſon, impeaded by reaſon of ſickneſs, or diſtracted by ſome other juſt occaſion, ſhall not bee preſent himſelfe, to give up the ſaid Inventor, It ſhall bee lawful for him to cauſe any honeſt reſponſible man, within the juriſdiction where he dwelleth, compeir, and give up his Inventor: Providing the ſame be ſubſcribed by himſelfe, or a Notar at his command, which the In-giver ſhall declare to be a true Deede, and abide at the ſame, on the like hazard and danger as the principal partie ſhould under-lye; which ſhall be as ſufficient as if the Inventor had been perſonally given up by the principal partie himſelfe. And an Inventor being once made, and given up, ſhall ſtill ſtand, and be a ground to charge any perſon, during the time of the foure yeares of the ſaid Taxation, unleſs the partie change, or otherwayes imploy his ſummes: And then he ſhall give up a new Inventor, which ſhall bee a new ground of a charge, and the former ſhall ceaſe. And the ſaide Clerk ſhall make a Record in his Regiſter of the ſaids whole Inventors: Which Inventors being ſo recorded, ſhall be extracted by the ſaid Clerke, and ſubſcribed with his hand, and three Extracts made of the ſame: one to bee given to the party, if he require the ſame: another to be ſent, by the ſayd Clerke, to the Collector of the ſame Taxation; and the third, to bee likewiſe ſent by the ſayd Clerk, to the CLERKE of his MAJESTIES REGISTER, to be ſtill keeped amongſt the Records of His Highneſs Exchequer: to the effect it may be knowne how farre every partie is lyable in the payment of the ſaid extraordinary Taxation, For the which Extract, and Note made in regiſter, the ſaid Clerk ſhall have of every perſon, up-giver of an Inventer, the ſumme of foure ſhillinges Scots money. And if by ſlouth, or malice, the Clerke ſhall happen to delay, or ſhift the Lieges reſorting to the ſaids Courtes to the effect aforeſayd, (Complaint being made thereof to the Lordes of His Majeſties Secret Counſel) the ſaids Clerkes ſhall be puniſhed accordingly, at the diſcretion of the ſaids Lords, And at any Court day, preceeding any Tearme, it ſhall be lawfull for any perſon to compeare, and offer to give up his Inventor, which the Clerk and Judge ſhall be aſtricted to receive.

FURTHER, For the better obſervation of the ſaid Statute, It is declared, That whoſoever receayeth, retaineth, or conditioneth to receave any Annual-rent, and concealeth the ſame, or any part thereof: or in giving up of his Inventor of Debtes, and Annuals owing by him unto his juſt Creditors, giveth up more then he is juſtly addebted into, Whoſoever firſt diſcovereth, and revealeth either the Annuel concealed, or Annuel which is more then the up-givers juſt debt, ſhall for his reward have the halfe of that Tearmes concealed Annuel, and as much as the half of that Annuel which ſhall bee diſcovered to have beene unjuſtly given up. And in caſe it ſhall happen any perſon whatſoever, by vertue of his up-given Inventor, to be charged for payment of his Taxation, and at the time of his charge to declare in preſence of a Judge, by his great Oath ſolemnedly ſworne, that his Debitor is a Banke-rupt, whereby he is diſabled to make payment of his Taxation, and is contented that the Kings Majeſtie ſhall have the whole Annuell-rent addebted unto him by his Banke-rupt debter of that Tearme: His ſaid Declaration ſhall be a ſufficient liberation to him of the ſame. And for eſchewing of malicious Dilatours of thoſe who have omitted or concealed their ſummes, IT IS ordained, That whenſoever any perſon ſhall accuſe or dilate another of concealing or ommitting of Summes the time of making his Inventor, He ſhall condeſcend upon ſome probable cauſe of his Dilation, and ſhall finde caution, [*de judicato ſolvi*] in caſe he faile in proving that which he dilateth: And there ſhall not ſuch actions of dilations be lawfull againſt dead perſons, their Heires, nor Exequutors: Neither ſhall it be lawful, after year and day, after the expiring of the ſaid Taxation, to intend any ſuch action. And in caſe any perſon purchaſe wed-ſette of Lands, and ſet the ſame backe again in tacke unto him who wed-ſette the ſame unto him, The Tacks-man poſſeſſor of the Lands, ſhall pay for the ſtent of the Lands, and the haver of the wed-ſet ſhall pay for the Annuel-rent of his money which he hath on the Land, as if the ſame were imployed for Annuel-rent. ATTOUR, IT ſhall be lawfull by no manner of way, for any Creditour to get reliefe of his Debtor, of this Taxation which is impoſed upon Annuel-rents by this Statute, under the paines contained in the Acts of Parliament made againſt Uſurers. And concerning Minors, IT IS declared, that their Minorities ſhall no wayes priviledge them: But their Tutors and Curators ſhall give up the Inventors of their Annual-rents in their names: which if the ſaids Tutors and Curators faile to do, the ſaids Minors ſhall incurre the like danger as others, and at their perfect age ſhall have action of Reliefe againſt their ſaids Tutors and Curators for that cauſe. And in caſe any perſon depart out of this Kingdome, after the publication of this preſent Act, the ſame ſhall no wayes excuſe him from giving up of an Inventor of his Annuel-rents, and payment of the ſaid Taxation, and underlying of the danger contained in this preſent Act. But thoſe who are preſently ſoorth of this Realme, and ſhall not return before the Tearme of Martinmeſſe next, they ſhall not come under the danger of this Act, untill the Tearme of Whitſonday next: providing that at that tearme they give up their Inventor, and pay their Taxation, as if they had been preſent within this Realme before the foreſaid Tearme of Martinmeſſe next. And for the uplifting of the foreſaid Taxation, granted upon Annuel-

rentes,

rentes, And to the effect his Majeſties General Collector thereof may know now whom to crave and charge for the ſame, IT IS Statute and Ordained, That within every Sherrifdome, Stewardrie, Bailliarie, and Regalitie, where the Offices of Sherriffes, Stewardes, and Baillies are heretable: and the Proveſts and Baillies of Burrowes, who are heretable Sherriffes within themſelves: Theſe heritable Officiars, and their Deputies, for whom they ſhall be holden to anſwere, Shall collect the ſaid Taxation, and make payment thereof to his Majeſties Collector General of the foreſaids Taxations. And where theſe Offices are not heretable, but changeable, The Clerkes within the ſaids Juriſdictions having their Offices, [*ad vitam*] ſhall bee Collectors thereof. And in-caſe the ſaids Clerkes have not already found ſufficient Caution for diſcharging of their duties in their Offices, they ſhall bee holden before they have any intromiſſion with the ſame Taxation, to finde ſufficient Caution for that effect. And where there are no heretable Officiers, nor Clerkes, having their Offices [*ad vitam*] the ſaid Collector General of His Majeſties Taxations (and his Deputies in his name, ſufficiently authorized by him: and for whom hee ſhall bee holden to anſwere, and whoſe Names hee ſhall cauſe publiſh at the Market-Croſſe of the head Burgh of that Juriſdiction where there is no heretable Officiar nor Clerke [*ad vitam*] that his Majeſties Lieges may know unto whom they ſhall make payment) ſhall collect and up-lift the ſame Taxation: Which payment being made, the receaver thereof ſhall bee obliſhed to deliver unto the payer thereof an Acquittance upon the receipt of the ſame, [*gratis*] without payment of any money for the ſame. IT IS likewiſe provided, That the Fees of the Collectors, and receavers of the ſame Taxation of Annuel-rentes, ſhall bee, like as hereby they are remitted to the diſcretion and arbitriment of the Lordes of his Majeſties Privie Councill, to bee ſet downe, and aggreed upon by them. And the ſaids ESTATES hereby diſcerne and declare, That all Burgeſſes and Free-men within Burghes, albeit they bee taxed in the ordinarie Taxation above-written, with their Neighbours, conforme to the order preſcribed for collecting of the Burrowes part of the ſaid ordinary Taxation; Yet the ſame ſhall no wayes liberate, nor free them from payment of their parts of this extraordinarie Taxation alſo, according to the proportion of the twentie pennie of their Annuel-rentes: but they ſhall bee lyable in payment thereof, as others his Majeſties Lieges are. ATTOUR, The ſaids ESTATES annul and diſcharge all priviledges and immunities whatſoever, whereby any perſons may thinke themſelves free of payment of any parte of this preſent Extraordinarie Taxation: The Priviledges and Immunities granted to the Ordinarie Lords of Seſſion, with the Annuel-rentes due to be payed to Colledges, Schooles, and Hoſpitales, or mortified for ſuſtentation and up-holding of Kirkes and Bridges, with the Annuel-rentes which may bee claymed of poore people, whoſe ſtocke exceedeth not the ſumme of five hundreth markes onely excepted. AND the ſaids ESTATES diſcerne and ordaine the extraordinary Lordes of the Seſſion, together with the whole Advocates, Clerks of the Seſſion, Writers to the Signet, Privie and Great Seales, and other members of the Colledge of Juſtice, to contribute to the ſaids Taxations, ſuch like as if they were not exeemed: And that of their owne conſentes, and conforme to their voluntary offer made by them to his Majeſtie, and the ſaids Eſtates, upon this ſpecial proviſion, That their ſaid voluntarie offer ſhall not prejudge nor impaire their liberties, priviledges, and immunities in any time comming. Which offer the ſaids Eſtates accepted, and accept: And will, and declare, That their ſaid Offer ſhall no wayes derogate to their priviledges, and immunities: But that their ſaids Priviledges and immunities ſhall bee keept, and obſerved unto them and their Succeſſors in all times comming, unprejudged by the ſaid Offer.

ACT III.

Anent the Collecting and inbringing of the Taxation, and reliefe to the Prelates.

FOR-AS-MUCH as the ESTATES of this preſent Parliament, upon good and weightie conſiderations, which mooved them, have freely and voluntarilie offered and granted to the Kinges moſt Excellent Majeſtie, OUR SOVERAIGNE LORD, for ſupplying of a part of the great Charges and Expenſes which His Majeſtie hath been conſtrained, even by the ſtrayteſt bandes of Religion, to undergoe of late, and by all lykely-hood ſhall lye under a long time, by procuring by treatie, or Armes, eaſe and libertie to thoſe who ſuffer for the Goſpel of JESUS CHRIST, profeſſed in this Land, A Taxation to bee payed, collected, and uplifted, in manner, and at the foure Tearmes following: That is to ſay, For the Barrons and Free-holders partes of the ſame Taxation, Thirtie ſhillings Scots money, to be uplifted of every pound land of old Extent within this Realme: pertaining to Earles, Lordes, Barrons, Free-holders, and Fewares, of our Soveraigne Lordes proper landes, holden by them immediately of His Majeſtie, and payed by them at every one of the four ſeveral Tearmes following: THAT IS TO SAY, The ſumme of Thirtie ſhillinges money, at the Feaſt and Tearme of Candlemeſſe next-to come, in the yeare of GOD, one thouſand, ſix hundreth, twentie and two yeares. The ſumme of other thirtie ſhillings money at the Feaſt and Tearme of Martinmeſſe, in the yeare of GOD, 1622. yeares. The ſumme of other thirtie ſhillinges money, at the Feaſt and Tearme

of Martinmeſſe, in the yeare of our GOD, 1623 yeares. And the ſumme of ot her thirtie ſhillinges money afore-ſaid, at the Feaſt and Tearme of Martinmeſſe, in the yeare of our GOD, 1624. yeares. And for the Spiritual men, and the Burrowes partes of the ſame Taxation, That there ſhall be up-lifted of everie Arch-biſhopricke, Biſhopricke, Abbacie, Priorie, and other inferiour benefice: and of everie free Burgh within this Realme, at everie one of the ſaids foure Tearmes of payment, the juſt Taxation thereof, and as they have been accuſtomed to be taxed unto in all times bygone, whenſoever the Temporal landes within this Realme were ſtented to thirtie ſhillinges money the pound land of old extent: And the ſame Taxation to be payed at every one of the foure ſeveral Tearmes above-written. AND for In-bringing of the Spirituall mens parts of the ſame Taxation, Ordaines letters to be directed, charging all and ſundry Arch-biſhops, Biſhops, Abbots, Priors, as likewiſe all Noble-men, and others, in whoſe favour the Erection of any Prelacie, or other inferiour Benefice, or any part or portion thereof, bee it landes, Kirkes, or Teyndes, or in whoſe favour the Patronage of any Benefice, Kirkes, of Teyndes, is paſt, and all other beneficed perſons contained in the Taxt Rolles, their Chalmerlains, factors and intromettours with their Rents and living to make payment of that ſumme that they and every one of them are taxt unto for every one of the ſaid foure Tearmes payment to the Collector General to be appointed by His Majeſtie, for receaving of the ſaid whole Taxation, or to his Deputes, and Officiares in his name, having his power to receave the ſame at the particular Tearmes above-written, under the paine of rebellion, and putting of them to the Horne. And if they failie therein at the by-paſſing of every one of the ſaids Tearmes, to denounce the Diſobeyers Rebelles, and put them to the Horne: and to eſcheate, &c. And that the Prelates, and beneficed perſons, and ſuch Noble-men, and others, in whoſe favours the Erections and Patronages above-written, are paſt for their reliefe, have Letters, charging their Vaſſalles, Sub-vaſſales, Ladies of Terce, Conjunct-feears, Life-renters, Fewares, Tackeſ-men, and Penſioners, to make payment of their partes of the ſaide Taxation, each one of them [*pro rata*] according to the ſumme that they ſhall be taxed unto: To the ſaids Prelates, and other beneficed perſons, and to the ſaids Noble-men and others, having power to receave the ſame, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they failie, to denounce, and Eſcheate, &c. And to poind and diſtraine therefore, as they ſhall thinke moſt expedient: Providing alwayes, That the firſt Tearmes payment of the ſaid Taxation be ever paſt, before the next Tearmes payment be charged for. Alwayes declaring, that the production of ſufficient Horninges againſt the ſaids Vaſſalles, Fewars, Tackes-men, and Penſioners, ſhall be a reliefe to the ſaids Prelates, Lordes of Erections, and beneficed perſons: And ſhall exoner them [*pro tanto*] from payment of the ſaid taxation: providing that the ſame Horninges, with their Taxed Rolles, authentickly made, and ſubſcribed by the ſaids Prelates, Lords of Erections, and beneficed perſons, and by their Fewars, Vaſſalles, Tackes-men and Penſioners, in manner hereafter preſcribed, containing the particular ſumme which each one of them are taxed unto, be delivered to the Collector of the ſame taxation, within the ſpace of threeſcore dayes after every Tearme: Otherwayes he ſhall be nowayes obliſhed to receave the ſame. Neyther ſhall the Prelate, Lord of Erection, & beneficed perſon, be exonered, by production of the ſame, at any time thereafter. AND FURTHER, That the ſaids Prelates, and ſuch Noble-men, and others, in whoſe favours the Erections and Patronages above-written, are paſt, and all other beneficed perſons, may have their reliefe of their ſaids Vaſſals, Sub-vaſſals, Ladies of Terce, Conjunct-feears, Life-renters, Fewars, Tackes-men, and Penſioners, to the greater eaſe, and leſſe trouble to their ſaids vaſſals, and others foreſaids.

AND, to the effect that every one proportionally may paye his part of the ſaid taxation, according to the quantitie and availe of the free rent which he hath of his Benefice, Landes, Penſion, Kirkes, and Teindſheaves pertaining to him, as well the Prelate, Lord of Erection, Patron, and other beneficed perſons, themſelves, as the Fewar, Tackes-man, penſioner: IT IS thought expedient, ſtatute, and ordained, That the ſaids Prelates, and others above rehearſed, every one of them ſeverally ſhall conveene his whole Fewares, Vaſſalles, Tackeſ-men and Penſioners, at the particular places hereafter deſigned: THEY ARE TO SAY, the Arch-biſhop of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: The Arch-biſhop of *Glaſgow*, at the Citie of *Glaſgow*: The Biſhop of *Orknay*, at the Towne of *Kirkewal*: The Biſhop of *Caithnes*, at the Towne of *Durnoch*: The Biſhop of *Roſs*, at the Towne of *Chaunrie* of *Roſs*: The Biſhop of *Murray*, at the Towne of *Elgin*: The Biſhop of *Aberdeen*, at the Burgh of *Aberden*: The Biſhop of *Brechin*, at the Burgh of *Brechin*: The Biſhop of *Dunkeld*, at the Towne of *Dunkeld*: The Biſhop of *Dumblane*, at the Towne of *Dumblane*: The Biſhop of *Galloway*, at the Towne of *Wigton*: The Biſhop of *Argyle*, at the Burgh of *Innerary*: The Biſhop of the *Yles*, at the Burgh of *Rothſay* in *Bute*: The Abbot of *Icolmekil*, at the Burgh of *Innerneſſe*: The Prior of *Ardchattane*, at the Burgh of *Inneraray*: The Abbot of *Ferne*, at the Burgh of *Thayne*: The Lord of *Bewlie*, at the Burgh of *Innerneſſe*: The Lord of *Kinloſſe*, at the Burgh of *Forres*: The Prior of *Pluſcarden*, at the Burgh of *Elgin*: the Lord of *Deir*, at the Towne of *Peter-head*: The Prior of *Fyvie*, at the Towne of *Turreff*: The prior of *Monymuſke*, at the Towne of *Monymuſke*: The Lord of *Arbroith*, at the Burgh of *Arbroith*: The Lord of *Scone*, at the Burgh of *Pearth*: The Lord of *Cowper*, at the Towne of *Cowper*, in *Angus*: The Prior of *Reſtenneth*, at the Burgh of *Forfar*: the Collector of the Taxation, in place of the Prior of *Charter-houſe*, the Seate now vacand, at the Burgh of *Pearth*: the Prior of *Elcho*, at the ſame Burgh of *Pearth*: the Prior of *Straphillane*, at the Burgh of *Inneraray*: the Lord of *Inchaffray*, at the Burgh of *Pearth*: the Prior of *Inchmahomo*, at the Burgh

Burgh of *Sterling*: the Prior of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Bailie of the Regalitie of *Dunfermling*, at the Burgh of *Dunfermling*: the Lord of *Balmerinoch*, at the Burgh of *Cowper* in Fyfe: The Lord of *Lindores*, at the Burgh of *Cowper* in Fyfe: The Maſters of *Sanct-Leonards* Colledge, in *Sanct-Andrewes*, for the Prior of *Portmooke*, at the Burgh of *Cowper* in Fyfe: the Prior of *Pettin-weyme*, at the Burgh of *Pettin-weyme*: the Lord of *Sanct-Colmbe*, at the Burgh of *Innerkething*: the Lord of *Culros*, at the Burgh of *Culros*: the Abbot of *Cambuskynneth*, at the Burgh of *Sterling*: the Lord of *Torphichin*, at the Burgh of *Linlithgow*: the Prior of *Manuel*, at the Burgh of *Linlithgow*: the Lord of *Holy-rude-Houſe*, at the Burgh of *Edinburgh*: the Lord of *Newbottle*, at the Burgh of *Edinburgh*: The Prioreſſe of *Hadington*, at the Burgh of *Hadington*: The Lord of the Temporal landes of the Priorie of *North-berwick*, at the Burgh of *North-berwick*: The Patron, & Parſon of the Kirk of *Kynnewchar*, diſſolved from the Priorie of *North-berwick*, at the Town of *Ely*: The Patron, and Parſon of the Kirk of *Largo*, diſſolved from *North-berwick*, at the Town of *Largo*: The Patron, and Parſon of the Kirk of *Mayboil*, diſſolved from *North-berwick*, at the Burgh of *Mayboil*: The Patron and Parſon of the Kirk of *Logy*, diſſolved from *North-berwick*, at the Burgh of *Sterling*: The Lord of *Kelſo*, at the Town of *Kelſo*: The Lord of *Coldinghame*, at the Town of *Eymouth*: The Lord of *Dryburgh*, at the Town of *Dryburgh*: The Prior of *Ecclis*, at the Town of *Dunſ*: The Prior of *Cauld-ſtreame*, at the Town of *Dunſ*: The Lord of *Jedburgh*, at the Burgh of *Iedburgh*: The Lord of *Melros*, at the Town of *Melros*: The Lord of *Paiſley*, at the Town of *Paiſley*: The Lord of *Blantyre*, at the Burgh of *Glaſgow*: The Lord, and Bailie of the Temporal landes of *Kilwynning*, at the Burgh of *Irwing*: The Patrons, and Parſons of the Kirks of *Kilwynning*, diſſolved from the Abbay of *Kilwynning*, at the ſaid Burgh of *Irwing*: The Abbot of *Corſraguel*, at the Town of *Mayboil*: The Prior of *Whitehorne*, at the Burgh of *Whitehorne*: The Abbot of *Saulſet*, at the Burgh of *Whitehorne*: The Prior of *Sanct-Marie Yle*, at the Burgh of *Kirkcudbright*: The Lord of *Dundrenane*, at the Burgh of *Kirkcudbright*: The Lord of *Glenluce*, at the Burgh of *Wigton*: The Abbot of *Toungland*, at the Burgh of *Wigton*: The Abbot of *New-Abbey*, at the Burgh of *Dumfreis*: The Abbot of *Holy-wood*, at the Burgh of *Dumfreis*: The Prior of *Cannabie*, at the Burgh of *Annand*: The Barron, and Baillie of the Barronie of *Brouchton*, diſſolved from the Lordſhip of *Holy-Rude-houſe*, at the Burgh of *Edinburgh*: The Heritoures of the one hundreth pound Land of the Barronie of *Monkland*, diſſolved from the Lordſhip of *Newbottle*, at the Citie of *Glaſgow*: The Miniſters of *Felfoord*, at *Aire*: *Scotlandwel*, at *Sanct-Andrewes*: *Peibles*, at *Peibles*: The Patron, and Parſon of the Kirk of *Dundie*, diſſolved from the Abbacie of *Lindores*, at the Burgh of *Dundie*: And all other ſmall beneficed Parſons, at the Paroch Kirkes of their particular Benefices. And that they conveene, to the effect above-written, upon the penult day of October next-to-come, in the yeare of GOD, one thouſand, ſix hundreth, twentie one years: which is declared to be the preciſe day appoynted for all their Vaſſalles, Fewars, Tackſmen, and Penſioners, to keep the ſaid Meeting. And that no farther Citation, nor Summonding, ſhall be requiſite, than the Proclamation and Publication of this preſent Act, at the Market-Croſſes of the Head-Burrowes of this Realme.

AND HEREWITH It is reſolved, by the ſaids ESTATES, That if any Vaſſal, Sub-vaſſal, Fewar, Tackſ-man of Teyndes, Penſioner, or any other, juſtly bound to make reliefe to the Prelate, Lord of Erection, Patron, or other Beneficed Perſon, of any part of the ſaid Taxation: Shall ſend any procuratoures in his name, ſufficiently authorized, to the ſaid Meeting: The ſame ſhall not onely excuſe the abſence of the principal partie: but the procuratour in all thinges ſhall bee admitted, and receaved, to doe, and performe, in the Diſtribution of the ſaid Taxation, what could, or lawfully might have been done by him who ſent him. IT IS in like manner declared, That the Prelate, Lord of Erection, Patron, or other beneficed perſon, impeded by diſeaſe, or diſtracted upon ſome other neceſſarie occaſion, from attending that Meeting, having his abſence ſupplyed that day, by any ſufficient, worthy perſon, whom hee ſhall appoynt, and authorize, to that effect, Shall bee as lawful, as if hee were perſonally preſent himſelfe. And the partie ſo authorized, ſhall bee admitted, and receaved, in all thinges to doe, and performe in the diſtribution of the ſame Taxation, what could, or lawfully might have been done, by him who ſent him. IT IS Farther ſtatuted, and ordained, That at the ſaid day of Meeting, the ſaids Prelates, Lordes of Erections, Patrones, and other beneficed perſons, ſhall by themſelves, or their Procuratours lawfully authorized, as ſaid is, ſenſe and holde a Court, call by Name, and Sur-name, upon every one of their Vaſſals, Sub-vaſſals, Fewars, Tackſ-men of Teynds, penſioners, and others, obliſhed to relieve them of any part of the ſame Taxation: And lawful time of day beeing bidden, ſhall ſhew to their ſaids Vaſſalles, Fewars, Tackſ-men, and Penſioners, or their procuratours compeiring for them, the quantitie of the Taxation impoſed upon their Prelacie, erected Lordſhip, or other Benefice, authentickly ſubſcribed by the Clerk of the ſame Taxation. And they all, at the leaſt ſo many of them as ſhall conveene for this effect, with one conſent, ſhall diſtribute the ſame to be payed by every man, as well by the Prelate, Lord of Erection, and preſent poſſeſſour of ſmall benefices, for the free rent that every one of them hath of their Prelacies, erected Lordſhips, and ſmall benefices, as by the Vaſſal, Fewar, Tackſ-man, and penſioner, according to the great or ſmal quantitie of free rent which every one of them hath, either of their Landes, Teinds, or penſions. Which Certification to any of the ſaids perſons, Fewars, Vaſſalles, Tackſ-man, or penſioner, that compeireth not by themſelves, or their procuratours, at the day and places above ſpecified, to

the effect aforesaid: That such as shall conveene with the saids Prelates, Lords of Erections, Patrones, and other beneficed persons, or their procuratours, shall proceed in the equal distribution of the same Taxation, as well amongst them that are absent, as present: And shall make, and subscribe, an authenticke Taxt-rolle there-upon. And in case, that none of the saids Vassalles, Fewars, Tacks-men, and Pensioners, shall conveene at the day and places above-specified, to this effect, by themselves, or their procurators, but shall wilfully absent themselves from the said Meeting, It shall be lawful for the saids Prelates, Lords of Erections, Patrons, and other beneficed persons, being present, by themselves, or their procurators, at the day and places above specified, to make, set downe, and subscribe the same Taxt-rolle. And in case any of the saids Prelates, Lordes of Erections, Patrones and other beneficed persons, shall not conveene, by themselves, or by their procuratours, at the day and places above specified, particularly designed to every one of them, It shall be lawful for the saids Vassales, Fewars, Tacks-men, and pensioners, at the least so many of them as shall conveene, by themselves, or their procuratours, to make, set downe, and subscribe the said Taxt-rolle. Which Taxt-rolle shall containe the particular summe that every one shall be found justly to bee addebted to pay, the parties name addebted to pay the same, and the cause wherefore the same ought to be payed. And being so set downe, either by the Prelate, Lord of Erection, patrone, or other beneficed person, or their lawful procuratours, with so many of their Vassalles, Sub-vassalles, Fewars, Tacks-men of Teinds, pensioners, and others oblished to relieve them of any part of the same Taxation, as shall conveene with them to this effect. And in case that none shall conveene with them, the same Rolle being then set downe by the Prelate, Lord of Erection, patron, or other beneficed person, or their lawful procuratours: Or in case of their absence, being set downe, made, and subscribed by so many of the saids Vassalles, Fewars, Tackes-men, and pensioners, as by themselves, or their procuratours, shall conveene themselves for this effect, THE SAIDS ESTATES Decernes to bee as lawful in all respects, as if the whole number of persons having intres therein, had conveened, made, set downe, and subscribed the same. Which Taxt-rolle being so set downe, made and subscribed, in manner above-written (and no otherwise) and delivered to the Clerke of the Taxation: The saids ESTATES ordaines him to give the warrant for giving of letters of Reliefe there-upon, Discharging him in any case to give warrant for giving of letters of Reliefe upon any Rolle presented unto him, not made, and authentickly subscribed, in forme above-written, as hee will answer to the contrary, upon his peril.

IT IS likewise statuted, and ordained, that tackes-men of Teinds shall have reliefe upon their Sub-tackes-men, [*pro tanto*] respect being had to the gersome payed by the saids Sub-tackes-men. And for in-bringing of the Barrones and Free-holders partes of the same taxation, and of the Fewars and rentalles of OUR SOVERAIGNE LORDES proper lands, their partes thereof, Ordaines letters to be directed, charging all and sundry Shirreffes, Stewardes, Baillies, their Deputies, and Clerkes, Fewars, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, That they, and every one of them, within the boundes of their Offices, rayse, and up-lift the summe of Thirtie shillings, money of this Realme, of every pound land of old Extent, lying within the boundes of their Jurisdictions, for every one of the foure tearmes above specified: and in-bring and deliver the same unto the Collector aforesaid, or to his Deputies, and Officiars in his name, having his power to receave the same, at the particular tearmes above specified, under the paine of rebellion, &c. And if they failie at the by-passing of every one of the saids tearmes, to denounce, and escheate, &c. And for their reliefe, that letters be directed, Charging all, and sundry Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers, of OUR SOVERAIGNE LORDS proper landes, personally, or at their dwelling places: And by open proclamation, at the Mercat-Crosses of the head Burgh of the Sheriffdome, Stewardrie, or Baillierie; where their lands lye, if they be within this Kingdome: And if they be without this Kingdome, by open proclamation, at the Market Crosse of *Edinburgh*, Piere and shoare of *Leith*, upon threescore dayes warning, to make payment unto the saids Shireffes, Stewardes, and Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, every one of them for their owne partes [*respective*] of the said summe of thrittie shillings money foresaid, for every pound lande of old Extent pertaining unto them for every one of the saids four tearmes payment, within twentie dayes next after they be charged thereto, under the paine of Rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that the saids Sherriffes, Stewards, Baillies, their Deputies, and Clerkes, Chamberlaines, and Receavers of OUR SOVERAIGNE LORDES proper landes, poynd and distraine the readiest Goods and Geare being upon the saids landes therefore, as they shall think most meete and expedient. And that the saids Earles, Lordes, Barrones, Free-holders, Fewars, and Rentallers of OUR SOVERAIGNE LORDES proper landes, have letters for their reliefe, to charge their Vassals, Sub vassalles, Ladies of Terce, Conjunct-feeares, and Life-renters, to make payment of their partes of the said Taxation, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they faile, to denounce, and escheate, &c. And if neede bee, that they poynd, and distraine: providing alwayes, that the first tearmes payment of the said Taxation be ever past before the next tearme bee charged for. And for inbringing of the Burrowes parte of the same taxation, Ordaines letters to bee directed, Charging the Provest, and Baillies of each Burgh, to make payment of the Taxt and Stent theteof, to the Collector General foresaid, his Deputies, and Officiares, in his name, having his power to receave the same at the particular tearmes

above

abovespecified, under the paine of Rebellion, &c. And if they faile, to denounce, and eſcheate, &c. And for their reliefe, that letters bee directed, charging all and ſundry inhabitantes within each Burgh to conveene, and elect certaine perſons, to ſtent their neighbours. And the ſaid Election being made, to charge the perſons elected, to accept the charge upon them, in ſetting of the ſaid Stent upon the Inhabitantes of every Burgh: and to conveene, and ſet the ſame, and make a Stent-rolle there-upon, as effeires, within twentie foure houres next after their charge, under the paine of Rebellion, &c. And if they faile, to denounce, and eſcheate, &c. And ſuch like, the ſaid Stent-rolle being made, and ſet down, as ſaid is, to charge the Burgeſſes, In-dwellers, and Inhabitantes, within each Burgh, to make payment of their partes of the ſaids Stent, to the ſaids Proveſts and Baillies, conforme to the Taxt-rolle, to be given out there-upon, within three dayes next after the charge, under the paine of rebellion, &c. And if they faile, to denounce, and eſcheate, &c. And if need bee, that the ſaids Proveſt and Baillies poynd and diſtraine therefore, as they ſhall thinke moſt expedient. IT IS alwayes provided, That no perſon whatſoever, bee ſtented, or taxed, within Burgh, except according to the availe, and quantitie of his Rent, Living, Goods and Geare, which hee hath within Burgh: no wayes reſpecting his lands, nor poſſeſſions, which hee hath to Land-ward; for the which hee will be oblißhed to pay taxation to other Officiars. Providing alwayes, that the firſt Tearmes payment of the ſaid taxation bee ever paſt, before the next be charged for.

ATTOUR, His Highneſſe, and His ſaids ESTATES, Decernes, and declares, That the charges to be given for payment of the ſaid Taxation, ſhall be executed before the tearmes of payment above ſpecified, for every tearmes payment particularly by it ſelfe. And that the denunciation of Horning following there-upon, ſhall not be executed until the tearmes of payment bee by-paſt. Which denunciation ſo following, upon the charges given before the ſaids tearmes of payment, the ſaids ESTATES decernes, and declares, to be valide, and ſufficient.

ATTOUR, His MAJESTIE, and the ſaids ESTATES, Conſidering the great abuſe which hath been uſed in all times by-gone, by ſundry of the Lieges of this Realme, againſt all good conſcience, in cauſing theire poor Fermorers, Tennentes, and Labourers of their Ground, beeing removeable, who are ſubject in payment of very deare Fermes, and other duties, to relieve them of the whole burden of the by-gone Taxations: which hath beene the occaſion of impoveriſhing of a great number of the ſaids Fermorers, Labourers, and Tennentes, and bringing of them to utter wracke, and ruine: Whereas of reaſon they ſhould bee altogether free from the payment of any Taxation, and the ſame ſhould bee payed by ſuch as have free-rentes, lands, and goods of their owne. FOR REMEED whereof, it is ſtatuted and ordained, That no perſons whatſoever, exact or compel his Tennentes, or Fermorers removeable, who pay Ferme, and other deare Duties, for the Landes occupied by them, to pay any part of this preſent Taxation, or to ſute reliefe at their hands of the ſame. And if the ſame be found done by any perſons, that they ſhall be called, and conveened therefore, before his Highneſſe Juſtice, and his Deputies, as violent and maſterful Oppreſſours of his Highneſſe Subjectes, and puniſhed therefore, acccording to Juſtice.

AS ALSO, the ſaids ESTATES conſidering, that beſides the ordinarie charges which his Majeſtie doth daily undergo, for the maintainance of the Honour, Eſtate, and Dignitie of his Highneſſe Kingdomes: the extraordinarie burthens, which now lyeth upon His Majeſtie, by the occaſion before-written, are ſo great, and doeth ſo neare concerne every Loyal and true hearted ſubject of this Kingdome, as Members of that body whereof his Majeſtie is the head, that in duetie they thinke themſelves bound to beare a part of that burthen, and to relieve his Majeſtie thereof: THEREFORE beſide the ordinarie Taxation above-written, the ſaids ESTATES have for the ſpace of foure yeares, next and immediatly following the Tearme of Martinmeſſe next-to-come, voluntarily, and freely granted unto his Majeſtie, a yearly extraordinarie Taxation, of the twentie pennie of all annuel-rentes, which any perſon or perſons within this Kingdome, hath freely due and payable unto them yearly or tearmly, (their owne annuel-rentes, wherein they are addebted to others, being firſt deduced) The firſt tearmes payment whereof ſhall be, and beginne, at the ſaid Feaſt and Tearme of Martinmeſſe next-to-come: and ſo forth, yearly and tearmly, at Whitſonday and Martinmeſſe, until the ſaids foure yeares, and the eight tearmes payment thereof, be fully and compleatly out-runne.

AND WHEREAS the ſaids ESTATES have by Act of Parliament, authorized all and ſundry heretable Sherriffes, Stewardes, Baillies, and Baillies of Regalities, and their Deputies, and the Proveſtes and Baillies of Burrowes, who are heretable Sherriffes within themſelves, within the boundes of their Juriſdictions: as likewiſe the Clerkes, within the Juriſdictions where theſe Offices are not heretable: which Clerkes have their Offices [*ad vitam*] to collect the ſaid Extraordinarie Taxation, and make payment thereof to the Collector General, to be apointed by his Majeſty for receaving of the ſame. THEREFORE, and for in-bringing of the ſame extraordinary Taxation, The ſaids ESTATES Ordaines Letters to be directed, Charging all and ſundry the ſaids heretable Sherriffes, Stewards, Baillies, Baillies of Regalities, and their Deputies, and the ſaids Proveſts and Baillies, who are heretable Sherriffes within themſelves, as likewiſe the Clerkes within the Juriſdictions where theſe Offices are not heretable, That they

they, and everie one of them, by North the River of *Dee*, within the ſpace of fifteene dayes after every Tearme of Martinmeſſe and Whitſunday: and that they, and everie one of them, by South the River of *Dee*, within the ſpace of ten dayes after every Tearme of Martinmeſſe and Whitſonday, deliver to his Majeſties ſaid Collector General, a true and juſt Accompt and Inventor, of the whole ſummes of money due to be payed by any perſon within the boundes of their Juriſdiction, for his part of the ſaid Extraordinarie Taxation: And that they give up the ſame Compt and Inventor upon their Oath, ſolemnely ſworne, that the ſame is juſt and true: And make payment unto his Majeſties ſaid Collector General, or to his Deputies in his name; having his power to receave the ſame of the whole moneys due to be payed to his Majeſtie, conforme to the ſaid Compt and Inventor; within Twentie dayes after each Tearme, under the paine of Rebellion, &c. And in-caſe the ſaids Sherriffes, Stewardes, Baillies, Baillies of Regalities, and Clerkes faile, to denounce and eſcheate, &c. For whoſe reliefe, that Letters bee directed; Charging all and ſundry the ſaids Annuel-renters, to make payment to the ſaids Sherriffes, Stewardes, Baillies, Baillies of Regalities, Clerkes, Proveſt and Baillies of Burrowes, of the ſaids twentie pennie of all Annuel-rentes, freely due and payable to them, within Twentie dayes next after the charge, under the paine of Rebellion, &c. And if they faile, to denounce and eſcheate, &c. And if need bee, that the ſaids Sherriffes, Stewardes, Baillies, Baillies of Regalities, Clerkes, Proveſt and Baillies of Burrowes, poynd and diſtraine therefore, as they ſhall think moſt meet and expedient.

AND His HIGHNES, and ESTATES foreſaids, Ordaines the Lordes of Seſſion to bee only Judges to all ſuſpenſions to be craved and ſuted by any of OUR SOVERAIGNE LORDES Leiges, touching the ſaids Taxations, Which ſuſpenſions his Majeſtie and Eſtates foreſaids finds, may be granted upon lawful and equitable reaſons to bee conſidered by them, and diſcharges all other Judges within this Realme, of granting of any ſuſpenſions thereanent. With power to the ſaids Lords to delegate five at the leaſt of their ordinarie number, as they think expedient, To ſit, cognoſce, and decide the ſaids ſuſpenſions, in time of Vacance, if need be.

ACT IV.

Ane Act of Ratification, in favour of the PRINCE His Highneſs.

OUR SOVERAIGNE LORD With Adviſe and Conſent of the Eſtates of Parliament, Ratifies, Approves, and for Him and His Succeſſors, perpetually confirmes all and whatſoever Infeftments, Gifts, Donationes, and other Rightes, and Titles, made, or granted by His MAJESTIE, or ony other His moſt Noble Progenitoures to His Highneſſe, CHARLES, PRINCE and STEWARD of SCOTLAND, His MAJESTIES Deareſt Sonne, or any other His Highneſſe the Prince, his Predeceſſoures, Princes, and Stewards of SCOTLAND, of whatſoever Lands, Lordſhips, Barronies, Superiorities, Offices, Annuel-rents, Advocations, Donations and Rights of Patronage of Kirkes, Benefices, Chaplainries, Alterages, and others whatſoever, where ever they lye within this Kingdome of SCOTLAND: together with all Actes of Parliament, other Actes, Lawes, Statutes, Conſuetudes, Immunities, Honours, Priviledges, Prerogatives, and Liberties, whatſoever made, introduced, or Joyſed, by his Highnes the Prince, or any His Highnes Predeceſſours, Princes of SCOTLAND, in any time by-gone. Notwithſtanding whatſoever Actes of Parliament, other Actes, Lawes, or Conſtitutions, which may appeare to derogate to the ſame, or that may or can be extended, or bee interprete in the contrarie thereof, either ſpecial or general. AND FURTHER Declares, that this general Ratification ſhall bee as effectual, as if all and ſundry the ſaids Infeftments, Gifts, Donations, Actes, Priviledges, Immunities, Prerogatives, and others foreſaids, were at length herein expreſſed, named, and numbred. Anent the which His Majeſtie, with adviſe and conſent of the Eſtates, have diſpenſed, and diſpenſe, by theſe preſents: Reſerving alwayes the Landes, and others, aſſigned for the entertainment of the Caſtel of *Dumbartane*, to be applyed to that uſe, until ſome other proviſion be made thereto, in place of the ſame.

ACT V.

Anent the Plantation of Kirkes, as yet unplanted.

OUR SOVERAIGNE LORD underſtanding, that there bee divers Kirkes within this Kingdome, which by the late Commiſſion appointed for plantation of Kirkes, in the Parliament holden in Junij, 1617. were not ſetled nor provided with conſtant Stipendes: But which yet remaine diſfurniſhed, and unprovided of competent meanes to be given to the Miniſters, who ſhall be provided to the charge and function of the cure of the ſame. AND THEREWITH alſo His Majeſtie conſidering, That there have been heretofore ſundrie Kirkes united together, and conjoyned in one: albeit upon good conſiderations, it may be found more expedient, That the ſame union bee diſſolved, and that the ſaids Kirkes bee provided ſeverally, with diſtinct Functions, and ſeparate ſervices, at ſuch places where the commoditie

may

may afforde, in the ſame manner, as if no ſuch union had been made. And ſuch like, becauſe there be ſome Kirks, whereof the Parochine is of ſo large bounds, that many of the Parochiners, dwelling in rowmes of the Parochine ſo remote from the Kirk: who for the great diſtance of the Place, or for the interjecting of Waters betwixt their rowmes and the Kirks, which oftentimes, and eſpecially in Winter, are not paſſable, or for ſome ſuch other known impediment, cannot have acceſſe and repair to the Paroche Kirks at the ordinary times appointed for Divine Service and Worſhip, and injoy the comfort of the Exerciſe thereof. AND OUR SOVERAIGNE LORD, according to the Princelie and Godly Indewments, wherewith His Majeſty is ſingularly bleſſed, being moſt careful to eſtabliſh all good order, and propagate the Religious and true worſhip of GOD, univerſally throughout all this whole Kingdom: Where-thorow all His People may have occaſion to participate the benefite of the Word, without feeling of any of theſe Prejudices, growing from the above-written occaſions: Which his Majeſtie, in his Royal and Fatherly care over his People, is moſt deſirous to have removed: THEREFORE, his Majeſty, with expreſſe advice, and conſent of the Eſtates of Parliament, Hath graunted full power and Commiſsion, to the Lord Chancellor for the time: And to the reverend Fathers in GOD, *John*, Arch-biſhop of *Sainct-Andrews*: *James*, Arch-biſhop of *Glaſgow*: *Alexander*, Biſhop of *Dunkell*: *Adam*, Biſhop of *Dumblane*: *Andro*, Biſhop of *Galloway*: *John*, Biſhop of *Caithneſſe*: Sixe perſons nominate for the *Clergie*, and Prelates. And in caſe of deceaſe of any of them, to *Patrick*, Biſhop of *Roſſe*: and *Patrick*, Biſhop of *Aberdene*. Which two perſons the Eſtates have nominated, to ſupply, and become in the place of any of the other ſixe aforeſaids, if any of them ſhall happen to deceaſe before this Commiſsion bee finiſhed. TO WIT, The firſt of the two, in place of the firſt of the ſix deceaſing: To *Iohn*, Earl of *Winton*: *Robert*, Earle of *Louthiane*: *Thomas*, Earle of *Melroſſe*: *Iohn*, Vicount of *Lauderdail*: *Iohn*, Lord *Belmerino*: *Dauid*, Lord *Carnagie*: Sixe perſons nominate for the Nobility. And in caſe of any of their deceaſe, To *Iohn*, Earl of *Wigton*, nominate to become in the place of the firſt deceaſing: And *Walter*, Earle of *Buckcleuch*, nominate to become in the place of the ſecond. To the Commiſsioners under-written, nominate for the Barrons: To wit, Sir *Richard Cockburne* of *Clerkintoun*, Knight, Lord Privy Seale, Sir *William Levingſtoun* of *Kilſythe*, Knight: Sir *Iames Dondas*, of *Arneiſtoun* Knight: Sir *Archbald Napier* of *Merchingſtoun*, Knight: Sir *Andro Ker*, of *Phairnehirſt*: *Alexander Lauder* of *Haltoune*. And in caſe of any of their deceaſſe, To *David Crichtoun* of *Lugtoun*: and Sir *John Hamiltoun* of *Preſtoun*, perſons nominate, to become in order, as they are named, in place of any of the ſix deceaſſing. And to *John Byres*, burgeſſe of *Edinburgh*: Maſter *William Ferguſone*, burgeſſe of *Dondie*: *Andro Bell*, burgeſſe of *Linlithgow*: *Robert Taylor*, burgeſſe of *Sainct-Andrewes*: Maſter *Iames Cockburne*, burgeſſe of *Haddiugtoun*: and Sir *George Bruce* of *Carnock*, Knight, burgeſſe of *Culros*: Six perſons nominate for the burrowes. And in caſe of any of their deceaſe: To *Alexander Clerk* Merchant, burgeſſe of *Edinburgh*: And Maſter *Alexander Wedderburn*, Clerk of *Dondie*: perſons nominate, to ſupply in order, any of the other ſix Commiſsioners foreſaids deceaſing. WHICH foreſaids Commiſsioners, or any foure of each Eſtate nominate, as ſaid is, conſenting and agreeing in one voice, ſhall have power to conſult, conveine, and determine, upon the matters, and in manner under-written: Providing allwayes, That there is, and ſhall be requiſite to the validitie of any Act, Concluſion, Ordinance, and Determination of the ſaids Commiſsioners, The conjunct aſsent of foure of every one of the ſaids four Eſtates, all agreeing together in one voice. Without the which conſent of the ſaid foure of every Eſtate ſo agreeing, The reſt of the ſaids Commiſsioners ſhall have no power to make any valide, or effectual concluſion, by vertue of this preſent Commiſsion: But whatſoever ſhall be otherwayes done, is declared to be of none availe, force, nor effect.

THAT IS TO SAY, Our Soveraign Lord, and Eſtates of Parliament, by the Tennor hereof gives, grauntes, and committes, full power and authoritie to the ſaids Commiſſioners, to meete, and conveine, in the Towne of Edinburgh, at ſuch time, and times, as they ſhall appoint, and finde convenient: And there to call, and ſummonde before them, all Patrones, Tackeſ-men of Teynds, great and ſmall, and others, having Right, by whatſoever Title, of the Teyndes of any of the Kirks within this Kingdom, which are not already planted by the foreſaid firſt Commiſsion: and which ſhall any wayes be meddled with by this preſent Commiſsion, as they ſhall think neceſsary, and expedient, To exhibite, and produce before them, their Rights and Titles, whereby they claime the ſaid Teynds, to be ſeen, and conſidered, by the ſaids Commiſsioners: With power unto them, out of the ſaids Teynds, of every Parochine and Kirke, not already planted: To appoint and aſsigne, at their diſcretions, a perpetual local Stipend to the Miniſters preſent, and to come, at all the ſaids Kirks, unprovided, as ſaid is: AND that notwithſtanding any Right or Title pretended by the ſaids Tackeſmen, or others, in whoſe favours Teyndes have beene erected: With power alſo, to the ſaids Commiſsioners, to diſ-unite ſuch Kirks, one or moe, as were united of before, and appointed to be ſerved by one Miniſter. And as they upon good conſiderations ſhall finde requiſite to appoint the ſame to be ſerved by ſeveral functions, and charges, as diſtinct parochines, after ſuch manner as ſhall be found by them moſt expedient. Providing alwayes, That all parties having intereſse in the union, and diſ-uniting of the ſaids Kirks, and plantation thereof, give their expreſse warrand and conſent thereunto.

IN the which caſe of Plantation, and proviſion of the Kirks which ſhall be diſ-joyned, as ſaid is, the preſentation of the Miniſters ſhall be appointed by the ſaids Commiſsioners, to pertain to the Patrons, conform to their rights thereof, to be produced before them. And as the ſaids Lords Commiſsioners ſhall finde moſt agreeable with reaſon and equity. With power likewiſe to the ſaids Commiſsioners to appoint and ſet down ſuch ſolide order, for erecting and building of new Kirks, in any Parochines, where they ſhall finde neceſsitie and conveniencie to do the ſame, and where the Parochiners are not preſently well and commodiouſly ſerved at the preſent Kirks of the Parochine, as they ſhall finde moſt expedient. And the ſaids Kirks being erected, with power to the ſaids Commiſsioners, to provide the ſame with ſuch proportion of Stipends, as they ſhall finde may be with leaſt prejudice, and beſt commoditie, made out of the fruites of the ſaids Parochines, to the Miniſters, to be appointed to ſerve at the ſaids new builded Kirkes; To the which building and making of new Kirks, and providing of the ſame with competent Stipends, The ſaids Eſtates findes and declares, that it ſhall be expreſlie neceſſarie, that the Patrons, Tackſ-men, and other parties having Intereſſe in the Erection and building of the ſaids new Kirks, and in the planting and proviſion thereof foreſaid, give their expreſſe warrand and conſent thereunto. Which being ſo had, and obtained, With power to the ſaids Commiſsioners, to proceede therein as is moſt agreeable with reaſon.

IT IS alwayes declared, that in all, and every one of the caſes above-written: that is to ſay, either in providing of Kirks not planted of before, or in diſ-uniting of kirkes formerly joyned: and appointing of ſeveral and diſtinct Stipends to the ſame: Or in the Erecting of new kirks, and proviſion of them with Miniſters, and ſtipends, The ſaids Commiſsioners ſhall have expreſſe power and warrand to determine, and appoint ſuch proportion and quantity, as they ſhall finde expedient, either amounting over the ſum of five hundreth Merks, or beneath and under the ſame, as they ſhall finde may moſt conveniently & commodiouſly be had: after the conſideration of the quantity and eſtate of the fruits of the kirke, and the caſe wherein the ſame is: And as may be with leaſt prejudice ſpared out of the ſame. AND the ſaids ESTATES finds and declares, That the ſaids Commiſsioners ſhall have no power, by vertue of this Commiſsion, to alter, or meddle with any kirk, which was ſetled by vertue of the foreſaid Commiſsion, graunted in *Anno* 1617. yeares; Or to change the eſtate thereof in any wayes: Or yet to erect, builde or provide any new kirke without the ſpecial and expreſſe conſent of all parties, having Intereſſe, had, and obtayned thereunto: Without whoſe conſents, it ſhall not be lawful for the ſaids Commiſſioners, in any wayes, to touch the ſaids Kirks ſo provided: But the ſame are expreſly excepted (Except in caſe of conſent foreſaid) out of this preſent Commiſsion.

AND ALSO, Foraſmuch as the ſaids ESTATES of Parliament, conſidering the particular Petitions and ſupplications after ſpecified, given in to them by the perſons under-written, to the effect following: to wit, a petition given in by *Thomas Burnet* of *Leyes*; Deſiring a new Kirk to be erected, and builded, within the Parochine of *Fettereſſo*, upon any part within the ſame Parochine, moſt eweſt for the inſtruction of the Parochiners of *Fettereſſo*, who dwell moſt remote from the preſent Kirk thereof. Item, a Supplication given in by the Gentlemen and Parochiners of the Parochine of *Roiſnethe*; Deſiring that the Kirke of *Roiſnethe*, for the cauſes ſpecified in their Supplication, founded upon the incommodious ſituation of the ſaid Kirk, might be tranſported out of the Yle of *Roiſnethe*, where it preſently ſtandeth, to that part of the maine Land of the ſaid Parochine, called the lands of *Ardinconnel*, as place moſt convenient, and indifferent for the whole Parochiners to reſort unto. Item, a Petition given in by *John* Earle of *Wigton*, Lord *Fleeming*, and *Cumbernauld*, and remanent Parochiners of the Parochine of *Leinzie*: craving licence to tranſport, found, build, and erect, the Kirk of the ſaid Parochine of *Leinzie*, preſently ſtanding at the Weſt end of the Parochine thereof; to any other part of the ſame Parochine, near the middeſt thereof, moſt convenient for the eaſe of the whole Parochiners: And being builded, to be declared to be the only Kirk of the ſaid Parochine of *Leinzie*. Item, two Warrands given in under His HIGHNESS Hand, concerning the appointing and determinating, which of the two Kirks of *Larbaire* and *Donypace* formerly united, ſhould be the ordinary place of publick Divine Service of the ſaids two Parochines, As in the ſame two Patentes containing their own ſeveral deſires at more length is contained. Item, a Petition given in by the Parochiners of the Parochines of *Kilcharrane*, *Kilmichael*, and *Kilchuſlane*, united by the former Commiſsion: and of the Parochines of *Kilcolmkil*, and *Kilblane*, alſo united by the ſame Commiſsion: all lying within *Kintyre*: Deſiring Libertie for building and erecting of a Kirk for ſerving of the firſt three Parochines, with another Kirk for ſerving of the two laſt Parochines, both united as ſaid is. Item, a Supplication given in by *John*, Lord *Hay* of *Zeſter*, and the poſſeſſors of the Lands of *Rodonno*: Deſiring, that the ſame Lands of *Rodonno*, with the Pertinents, ſhould be declared to have been, and to be in time comming, a part of the Parochine of *Lyns*, as alſo craving, that it might be lawful to the ſaid *John*, Lord *Hay*, of *Zeſter*, to build a Kirk upon the moſt commodious place of his lands of *Rodonno*, or *Megget*, for ſerving of the Inhabitants thereof, at ſuch times as they ſhould be impeaded by ſtorme of weather, from comming to the Kirk of *Lyns*. Item, a ſupplication given in to the ſaids ESTATES Deſiring, that the diſſolution of the fourty pound land of *Buchanane*, from the Kirk of *Luſſe*, and union thereof, to the Kirk and Parochine of *Inſchcalzieoche*, done by the former Commiſsion, might be now ratified: and the ſame fourty pound land, declared to remaine in time comming, as a part of the parochine of

of *Inſchcalzieoche*. Item, a Petition given in by *Patrick*, Biſhop of *Aberdene*: Deſiring the ESTATES, to give power to the foreſaids Commiſſioners, to ratifie and approve the voluntary Diſſolutions of the former unions of theſe Kirks within his Diocie, to the ſeveral proviſions, whereof the parties having Intereſs thereintil, have conſented, and to admit theſe who make offer at the ſight of the Biſhop and Presbyterie, where the Kirks lye, to provide the ſame ſeverally, Albeit they ſhall not make out the full rate and ſtipend appointed by the laſt Commiſſion. And laſt, a petition given in, by the Miniſter at the Kirk called *Chriſts Kirk*, at *Udney*: craving the ſame Kirk to be ſufficiently planted, and provided, with a conſtant and local ſtipend, and the ſame made ſure to the Miniſter ſerving the cure at the ſaid Kirk, as the foreſaids Supplications, Petitions, and Patents [*reſpective*] above-written, in themſelves more fully proports.

AND Finding the Deſires foreſaids reaſonable, Our ſaid Soveraigne LORD, and ESTATES of Parliament, Gives, Graunts, and commits full power and authority to the ſaids Commiſſioners, to appoint, determine and ſet down, ſuch ſolid Order anent the whole particulars above-mentioned, and every one of them, as they after conſideration and tryal had, and taken by them thereanent, ſhall finde moſt expedient, and agreeable with reaſon. To the doing whereof, in every one of the particulars foreſaids, (Except anent the building of a new Kirk within the Parochine of *Fettereſſo*, as is deſired by the Laird of *Leyes*) THE ESTATES Findes, and Declares, That it ſhall be only neceſſary to ſummond all Patrones, Tackſ-men, and other parties whatſoever, having intereſſe in the particulars foreſaids, to hear and ſee order taken in the premiſſes thereanent: That after citation, the Commiſſioners may conſider of the Intereſſe and prejudice, if any ſhall be qualified by any perſon before them, anent the particulars above-mentioned: and may then proceed therein, as they ſhall find moſt expedient. But the ESTATES findes, and declares, That in the ſetling and determination of the firſt particular above-mentioned, anent the building of a new Kirke within the Parochine of *Fettereſſo*, There ſhall be expreſly requiſite, the ſpecial and expreſſe conſent and warrand of the Parties, having Intereſſe thereintil: By, and beſide the citation and ſummonding of them to that effect: AND findes, and declares, That the Decreet and Sentence of the ſaids Commiſſioners, to be given by them in all the particulars foreſaids, and every one of them ſhall have the ſtrength, force, and authority of a Sentence, and Act of Parliament, ſuch like as the ſame had been done, and determined by the ſaids Eſtates themſelves.

AND Becauſe Reaſon and Equity craveth, That recompence ſhould be made unto the Tackſ-men, and other perſons whatſoever, who ſhall be by the ſentence of the ſaids Commiſſioners, hurt and prejudged of their preſent profite, which they may lawfully bruike, by vertue of their Titles and Rights, eſtabliſhed in their perſons: and upon whom, by vertue of the ſaid Sentence, any Burthen of the Suſtentation and proviſion of the ſaids Kirks and Miniſters is to be impoſed: THEREFORE, Our Soveraigne LORD, and ESTATES of Parliament, Gives full power, and commiſſion, to the ſaids Commiſſioners, ſo to proceed in the determining of the ſaid recompence, that in caſe the Lord, or any other having right to erected Prelacies, who ſhall be cited before them, refuſe to take the Burthen of Plantation of any Kirks belonging to the ſaids erected Prelacies, which are in any of the caſes above-written: And that upon their refuſal, (The ſame refuſal being firſt found reaſonable by the ſaids Commiſſioners) the burthen of the ſaid plantation ſhall be laid and impoſed by the ſaids Commiſſioners, in whole or in part, either upon the principal Tackſ-men of any of the fruites of the ſaids Kirks: Or in caſe of the Tackſ-mens refuſal, the burthen be impoſed upon the Sub-Tackſ-men thereof: The ſaids Commiſſioners ſhall have power to decern, appoint, and ordain, ſuch particular recompence to be given unto the ſaids Tackſ-men, or Sub-Tackſ-men, by renewing of their Tacks, or Sub-Tacks, after the expiring thereof, upon ſuch conditions, as the ſaids Commiſſioners ſhall find reaſonable; Reſpect being had to the quality and proportion of the burthen to be impoſed upon them, within the time of their Tacks and Rights, farther than they are aſtricted by their ſaids Rights: or by appointing ſuch other reaſonable ſatisfaction, as they ſhall find the ſaid burthen and diſtreſſe undergone by any of them, ſhall deſerve, and require.

LIKEAS the ſaids Commiſsioners ſhall have ſuch like power to determine, decerne, and appoint ſuch particular ſatisfaction, and recompence, to be given either to the Laicke-patrons, or to the Tackſ-men of the Fruites of the Kirks, belonging to the like Patronages and Sub-Tackſ-men thereof, as they ſhall thinke may be anſwerable to the burthen to be impoſed upon either of them, for the cauſe above-written proportionally. IN THE preſcribing of the which recompence, The ſaids Commiſsioners ſhall have ſpecial reſpect, what conſideration they find reaſonable to be given to the ſaids Patrons, for their conſents to the Tacks, if any ſhall be appointed, and decerned to be ſette, and given unto the ſaids Tackſ-men, for recompence foreſaid. AND if any beneficed perſon, upon juſt and reaſonable cauſes, refuſe to provide any Kirk belonging to their benefice, according to the order hereby preſcribed, whereby the burthen of plantation, or farther proviſion of the Kirk, muſt neceſſarily lye upon the Tackſ-men, or Sub-Tackſ-men of the fruits thereof: The ſaids Commiſsioners, in that caſe alſo, ſhall decerne ſuch recompence to be given to the ſaids Tackſ-men, and Sub-Tackſ-men, for their loſſe and prejudice ſuſtained, as the ſaids Commiſsioners ſhall find the ſame ſhall merite, by renewing of Tacks unto them, upon ſuch conditions as may requite their loſſe: Or by finding out ſome other reaſonable meane, which may repaire the ſame.

AND OUR ſaid Soveraigne LORD with adviſe and conſent of the ſaids ESTATES, Declares, ſtatutes, and Ordaines, that all Tackes, which ſhall bee decerned by the ſaids Commiſſioners, to bee given in recompenſe to any perſon whatſoever, for the cauſes above-written: and which ſhall be ſet for obedience, and conforme to the ſaid Decreete, and ſentence, whatſoever yeares, or long ſpace the ſaids Tackes ſhall comprehend, ſhall be good, lawful, and ſufficient ſecurities, to the perſons in whoſe favours the ſame are appointed to be given, and conceaved. Neyther ſhall the ſame be any wayes prejudged, by the Act made in the Parliament holden in Anno 1617. By the which it is ſtatuted, THAT no Arch-biſhop, Biſhop, or Prelate, ſhould ſette in Tacke any part of their Patrimonie, for longer ſpace nor ninteene yeares: AND, That no inferiour beneficed perſons ſhall ſette in Tacke any part of their Benefice for longer ſpace nor their owne life-times, and five yeares there-after, as the ſaid ſtatute proports: From the which ſtatute the ſaids Tackes ſo appointed to bee ſet, and given in recompenſe, are, and ſhall be excepted, and reſerved, and ſhall no-wayes come under the compaſſe of the ſame Act and ſtatute, nor of any thing therein contained. But the ſame ſhall remaine, and abide, valide, and ſufficient rights, for the whole ſpace and yeares appoynted therein, according to the Tennor thereof: notwithſtanding of the ſaid Act and Statute. And becauſe it may fall foorth, That in the recompence to bee appoynted by the ſaids Commiſſioners, to the Patrones, Tackeſ-men, and Sub-Tackeſ-men, for the aforeſaid burthen to bee impoſed upon them, Moe yeares may bee aſſigned for prorogation of their preſent Tackes, nor may lawfully, or conveniently be ſet, by the preſent beneficed perſons, to whom by Law the ſetting of Tacks of Teynds belongs.

FOR REMEED Thereof, OUR Soveraigne LORD, with adviſe and conſent of the ſaids ESTATES, Declares, Statutes and Ordaines, that it ſhall be lawful for the Commiſſioners foreſaids, to appoynt as many yeares after the expyring of the preſent Tackes, to the Tackeſ-men of the ſaids Kirkes, and Teyndes: Or to the Patrones or Sub-tackeſ-men (*reſpective*) for bruiking of the ſaids Teyndes, for recompenſe of the ſaid Burthen, as they ſhall thinke reaſonable: Which ſhall be as good, valide, and ſufficient Rights, to the ſaids Patrones, Tackeſ-men, or Sub-tackeſ-men, (*reſpective*) and unto their Heires and Aſſignays, for bruiking, poſſeſſing, and diſponing on the ſaids Teyndes, during the ſaids yeares of Prorogation: As if good, lawful, and valide Tackes and Rights of the ſaids Teyndes had been ſette, and made to them, by the Titulares of the Benefices, to whom the ſame belonged, With conſent of all parties having Intereſſe. WITH expreſſe proviſion and declaration, That at the expyring of all the ſaids yeares, the right of the ſaids Teyndes, and power to ſette Tackes thereof, ſhall returne, and appertaine to the aforeſaids Titulares of the foreſaids Benefices, as they did before the making of this preſent Act. AND OUR ſaid SOVERAIGNE LORD, with adviſe of the ESTATES, Declares, and Ordaines this preſent Commiſſion to beginne upon the tenth day of Januarie, next-to-come: with continuation of dayes: and to laſt and endure, during the ſpace of year and day thereafter. After the which time, the ſame ſhall ceaſe and expire: And ordaines the Decreete, and Sentence of the ſaids Commiſſioners in all the particulars foreſaids, and everie one of them, to have the ſtrength, force, and authoritie of a Decreete, Sentence, and Act of Parliament. For obedience whereof, the Lordes of Seſſion ſhall direct and grant Letters in forme as effeires, and according as ſhall be neceſſarie, Which Commiſſion above-written, taking force, and full effect, in all the ſaids particulars therein contained, as the ſame are ſet downe, and comprehended therein, by pronunciation of decreete and ſentence upon the ſame, conforme to the power therein comprehended, given unto the ſaids Commiſſioners.

OUR SOVERAIGNE LORD with expreſſe conſent, and aſſent of the ESTATES, in that caſe, findes, and declares, That no perſon, in whoſe favours the Teyndes of Kirkes, and Benefices, are erected: nor no other whatoſever, bruiking Teyndes, by vertue of rights lawfully made to them of the ſame, according to the Lawes of this Realme then ſtanding, ſhall be ever farther altered, or quarreled in any of their ſaids rights in any time to come, further then ſhall be appoynted by the ſaid decreet and ſentence to follow upon this preſent Commiſſion. But the ſaids rights and ſecurities in caſe foreſaid, ſhall remaine in their owne ſtrength, force, and effect, as good, lawful, and ſufficient rights, and ſecurities, unto them, and every one of them, for their owne parts, for bruiking and enjoying the ſaids Teyndes, conforme to the tennour of the ſaids rights, for now, and for ever.

ACT VI.

Anent Compriſings.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, conſidering that his Majeſties Lieges are greatly damnified, and prejudged, by the abuſe and evil cuſtome, which heretofore hath been obſerved in Compriſings: whereby Lordſhips, Baronies, and other great portions of Landes are compriſed for ſmall ſummes of money: and thereby the compriſer hath right to the mailes, duties, and profites of the Landes: notwithſtanding that they farre exceede the profite of that ſumme of money for the which the ſaids Landes are compriſed. FOR remeede whereof, It is ſtatuted and ordained, That the compriſer ſhall have no further right to the mailes, fermes, and duties of the compriſed landes, by vertue of

of the compriſing led at his inſtance, during the yeares and ſpace that the ſame is redeemable, but onely to ſuch part and quantitie thereof as will correſponde to the Annuel-rent of the ſumme, at ten for the hundreth, for the which compriſing is led; with this proviſion alwayes, and expreſſe declaration, That if the mailes and duties of compriſed landes exceede the proportion of the annuel rent of the foreſaids ſummes, for the which the compriſing is deduced, and that the compriſer pleaſe to intromet therewith, and according thereunto, that he have intromiſſion with the ſame, in that caſe his foreſaid further intromiſſion, which ſhall extend to any greater quantitie then will juſtly ſatisfie him of the foreſaid Annuel-rent, ſhall be aſcribed in payment and ſatisfaction of his principal ſummes, [*protanto*]

LIKE AS THE ESTATES findes and declares, That the ſame further intromiſſion ſhall bee aſcribed in that payment of the ſaid principal ſumme: So that if it ſhall happen, that the quantitie of the mailes and duties to be intromitted with by the compriſer, to extend unto as much as will ſatisfie the whole principal ſummes, with the ordinarie Annuel-rent thereof, according to ten for each hundreth, and the expenſes beſtowed by the Compriſer, in paſſing, and obtaining Infeftment of the Superiour, of whom the Landes are holden: together with the Annuel-rent of the ſaids ſummes, ſo given by the Compriſer to the Superiour, for entring of him to the compriſed lands, and the neceſſarie expenſes and charges waired and beſtowed by the ſaid Compriſer, in leading and deducing the ſaid compriſing, in that caſe, thereafter the compriſing to expyre [*ipſo facto*] and to ceaſe in all times following.

AND IF that the perſon againſt whom compriſing is led, be Minor, and of leſſer age, IT IS ſtatuted and ordained, That it ſhall be lawful to him at any time within his perfect age of twentie five yeares compleate, to redeeme the ſaids compriſed landes, by payment of the ſummes, for the which the ſaid compriſing was led, and of the lawful annuel-rentes thereof, according to ten for each hundreth; Togethet with the expenſes beſtowed in paſſing and obtaining of the Infeſtment from the Superiour, and ordinarie annuel-rent of the ſame: together alſo, with the neceſſarie expenſes beſtowed in leading and deducing of the ſaid compryſing, as is above-written. And that notwithſtanding of the preceeding Lawes, and Practique of this Kingdome, by the which the Legal reverſion of compriſed Landes, expired within ſeaven yeares after the leading of the compriſing: From the which His Majeſtie and Eſtates hath, by this preſent Act and Statute, excepted Minors, in all times comming, declaring the ſame no-wayes to run againſt them. BUT IT IS Declared, that if a Minor redeeme not Landes compriſed, (the right of reverſion whereof is competent in his perſon) within ſeaven yeares after the leading of the ſaid compryſing, but according to the benefite granted unto him by this preſent Act, ſuffer the compryſed Landes to remaine unredeemed, with the compriſer, during all the yeares of his Minoritie, and leſſe age: then, and in that caſe, the compriſer ſhall have good right, to meddle, and intromet with the whole Mailes and Dueties of the compriſed Landes of all theſe yeares ſubſequent, after the expyring of the ſaids ſeaven yeares, and interveening betwixt them, and the ſaids yeares of his Majoritie, and perfect age of twentie five yeares compleate: Notwithſtanding that the dueties of the landes extende to more then will anſwere to the annuel-rent of the money, for the which the land is compriſed. And if it ſhall happen a Minor, having right to redeeme compriſed landes, as ſaid is, to deceaſſe before he be of perfect age of twentie five yeares, and that another Minor bee Heire, or Succeede unto him in his right of reverſion, and title, competent to him, for the redemption of the ſaids compriſed landes: that Minor ſo ſucceeding in the rights, ſhall have the ſame libertie and priviledge above-written, for redemption of the ſaids landes, ſicklike, and in the ſame manner, as if they had been compriſed from himſelfe, wherein he ſhall nowayes be prejudged by the yeares which ran after the compriſing, in the life-time of that perſon Minor in whoſe right he ſucceedeth, but that he may ſicklike lawfully redeeme the ſame at any time before his Majoritie, as ſaid is.

AND IT IS Declared, That in caſe any Minor, having the right of the ſaid reverſion competent unto him, ſhall happen to deceaſe after the expyring of ſeaven yeares out-run, after the ſaid compryſing, and that a perſon of perfect yeares ſucceed to the ſaid Minor, in the right of his reverſion aforeſaid: in that caſe the ſaid perſon Major ſo ſucceeding, ſhall be holden and aſtricted to redeeme the ſaids compriſed Landes, within the ſpace of year and day after the deceaſſe of the ſaid Minor, in whoſe right he ſucceedeth. Otherwayes, the ſaid Redemption not being uſed by him within that ſpace, he ſhall bee perpetually ſecluded from all benefite, which hee may claime by the reverſion and ſucceſſion there-unto foreſaid, and all power of Redemption of the ſaids Landes, by vertue thereof. But if at the time of the Minors deceaſſe, all the ſaids ſeaven yeares were not expyred, It ſhall be lawfull for his ſaid ſucceſſor (being Major) to redeeme, within the ſpace of ſo many of the ſaids ſeaven yeares, as were not out-run the time of the Minors deceaſſe: ſuch like as if the ſaids Landes had been compriſed from the ſaid Minor himſelfe. Which time being expyred, and hee doing no diligence, hee ſhall bee excluded from the benefite of his reverſion.

AND IT IS ſpecially provided, That in all the above-written caſes; if the compriſed Landes bee not worth ſuch yearly quantitie of Maile and Dutie, as will proportionally effeire to the Annuel-rent of the ſaid Money, at ten for every hundreth, for the which compriſing is led: or being worth that the ſame is exhauſted by other lawful deeds: which may render the ſame unprofitable to the compriſer, and un-anſwerable to the Annuel-rent of the ſummes, for the which he hath compriſed, either in whole, or in part: then, and in that caſe, the redeemer (whether he be Major, or Minor) ſhall be holden, before hee can redeeme, or out-quite the ſaids Landes, from the compriſer, to refound and pay to him; the full Annuel-

rent and profite of the ſummes, for the which the landes were compriſed, ſo farre as he wanteth, and is lacketh, by the benefite of his ſaid compriſing. And if the rent of the Land ſo compriſed, conſiſt in victual, The eſtimation and conſideration thereof, ſhall be had according to the common prices of victual in thoſe Shyres where the compriſed landes lye: according as the ſame giveth betuixt Zuile and Candlemeſſe. AND the ſaids ESTATES Declares, That this above-written Statute ſhall no-wayes extend, nor be prejudicial to compriſings, which are already preſcribed before the date of this preſent Act.

ACT. VII.

Anent Adjudications.

OUR SOVERAIGNE LORD, AND ESTATES of PARLIAMENT, Conſidering the great prejudice ſuſtained by diverſe and ſundry Creditours, by deceaſe of their Debtors: who being preveened by the diligence of their Concreditours, by obtayning of ſentences of Adjudication of their defunct Debtors, Landes, and Eſtate, in reſpect of the refuſal of the neareſt of Kin, to enter Heires to them, are ſecluded from participation of any part of the landes and goods pertaining to their ſaids defunct debtors: they being common debtors to the ſaids whole Creditors, contrarie to all equitie and reaſon. FOR REMEED whereof, It is Statute, and Ordained, THAT All Adjudications to be obtained by any perſon at any time hereafter, of any of their defunct debtors landes, and Eſtate whatſoever, with all rights and Infeftments following there-upon, ſhall be redeemable from the partie obtainer of the ſaids Sentences of Adjudication, their heires and aſſignays, at any time after the pronouncing of the ſame, AT the inſtance of any Concreditor of the ſaid defunct debtor, or of any Creditor of the ſaid perſon, who renounceth, To be Heire to his predeceſſors, who ſhall happen thereafter to obtaine decreet of Adjudication, againſt the appearing Heire of the defunct debtor: And that within the ſpace of ſeaven yeares, next and immediatley following the obtaining of the ſaids Sentences of Adjudication, by payment of the ſummes of money ſpecified in the ſaids Sentences: Together with the Annuel-rent of the ſame ſummes, according to ten for each hundreth thereof, during the time of the not-redemption of the ſame: and of the expenſes ſuſtained by them in obtaining of the ſaids Sentences, to be taxed, and modified, by the Lords of Council and Seſſion. By payment of the which ſummes, the ſaid Concreditor ſhall come in the place and right of the partie from whom he redeemeth: And ſhall bruik the ſame by vertue thereof, perpetually thereafter: Except it ſhall happen another Concreditor, who ſhall obtaine the like ſentence of Adjudication to redeeme the ſame from him, within the ſpace above-written. In the which caſe, it is declared, That the partie redemeer, in the ſecond, thrid, or fourth rowme, and ſo foorth, ſo long as there are any Concreditors, ſhall be obliſhed not only to pay the ſummes contained in the adjudication, obtained at the inſtance of the partie from whom he redeemeth: But alſo the whole ſummes, which were payed by him unto the former Concreditors, for redemption of their Adjudication, with the annuel-rent, and expenſes in manner above-ſpecified.

IT IS alwayes Declared, That if the partie from whom the ſaids Adjudications ſhall be redeemed, did up-lift the Fermes, and dueties of the lands and others, contained in the Adjudications: That then, and in that caſe, the partie redeemer ſhall not be holden to pay any annuel-rentes, or expenſes: but in ſo farre as the ſame annuel-rents, and expenſes, exceede, and are more, than the Mailes, Fermes, and dueties, intrometted with by the partie from whom the ſame is redeemed. AND if the ſaids Mailes, Fermes, and Dueties, exceede both the annuel-rent and expenſes, IT IS Declared, That the ſuper-plus ſhall be allowed in the principal ſumme, by the ſight of the Lords of Council; Conſideration being had of the pryces of the Fermes, and Victual, as the ſame were commonly ſold betwixt Zuile and Candlemeſſe, in the Sherrifdome where the lands lye. IT IS alwayes declared, That theſe preſents ſhall no-wayes be extended to Decreetes, and Sentences of Adjudication already recovered.

AND ſicklike, it is Declared, That in-caſe any Minor, who hath renounced in his Minoritie, be reponed [*in integrum*] againſt the ſame renounciation: That then, and in that caſe, he ſhall have place to redeeme from the whole Creditours, by payment of the ſaids whole ſummes owing unto them, and where-upon they obtayned Adjudication in manner, and with the proviſions above-ſpecified. And all the reſt of the Priviledges granted to Minors, in Compriſings, to be likewiſe granted in Adjudicationes: which are here holden as repeated.

ACT VIII.

Anent the Extracts of Infeftments, paſt upon Compriſings, foorth of the Privie Seale: where the ſame are not regiſtrated at the Great Seale.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, Underſtanding that ſundrie His Majeſties Lieges, who for great ſummes have compriſed their debtors landes, are heavilie prejudged, through the fraudful abſtracting, or deſtroying of the Writtes, Infeftments, or Confirmations of the ſaids compriſed Landes: the ſaids Writtes, Infeftments, and Confirmations, not being regiſtrated

regiſtrated in the Regiſter of the Great Seale. HEREFORE, whereas any Creditour hath compriſed lands holden of His Majeſtie, and cannot recover foorth of the perſons hands, from whom the ſame are compriſed, the KINGES right, and confirmation of the ſame Infeſtment, given unto them thereof, Leſt the negligence of the partie, not regiſtrating the Infeſtment, or Confirmation, after the paſſing thereof at the Great Seale: Secunded with the ſubſequent fraude, in abſtracting and deſtroying the principal Right and Confirmation, ſhould unjuſtly in damnage the true Creditor, and Compriſer: His MAJESTIE, with advice and conſent of the ſaids ESTATES, willes, and declares, That if the ſaids Infeſtments, and Confirmations of the ſaids perſons, from whom the ſaids lands are compriſed, have paſt the Privie Seale, and be regiſtrated in the Regiſter thereof: That notwithſtanding the want of the Infeſtment and confirmation under the Great Seale, or the Extract thereof: the Extract of the ſaid Infeſtment, or Confirmation, foorth of the Regiſter of the Privie Seale: The ſame thereafter being paſt the Great Seale, at any time ſhall be a ſufficient right to the Compriſer, whereby to poſſeſſe and enjoy the landes compriſed: conforme to the Lawes made anent Compriſings: as freely in all reſpectes, as if the ſaids Infeſtments and Confirmations were extant, and regiſtrated in the Regiſter of the Great Seale. Providing alwayes, That this preſent Act ſhall no wayes hurt nor prejudge any third perſon, who hath Infeſtment or Confirmation of the ſaids compriſed lands, paſt the Great Seale; of an anteriour date to the ſaid Infeſtment, ſo paſt the Great Seale, in manner aforeſaid: but ſhall be onely of force and effect againſt that perſon, from whom the lands are compriſed, his Heires, and Succeſſours.

ACT IX.

Anent giving of Licence to Biſhops to ſet their Warde Lands in Few-Ferme.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, underſtanding, That a good number of Kirk-landes, pertaining unto Biſhoprickes, and their Chaptours, are diſponed of olde to be holden by Service of Warde, and Reliefe; Which forme of holding yeeldes no preſent nor conſtant rent and commoditie: but is onely a caſuality which vaketh not often: and when it vaketh, is gifted and diſponed by the preſent Titulars, to their owne particular uſe, without any benefite to their Succeſſours. WHEREAS, if the ſaids Kirk-Landes were ſette in Fiew-Ferme for a competent yearly Duetie, the ſame would not onely augment, and meliorate the Eſtate of the Benefice; but alſo diminiſh the occaſion of applying of Kirk-rentes to particular uſes. AND HIS MAJESTIE, out of his Royal care, and Princely diſpoſition, intending the preſervation of the Eſtate of the ſaids Biſhoprickes, and their Chaptours: and therefore being moſt earneſt to avoyde and remove this evil: HIS MAJESTIE, and ESTATES, ſtatutes and Ordaines, That it ſhall be lawful for all Biſhoppes, and Members of Chaptours, who have Lands holden of them by Service of Warde and Reliefe, to ſet the ſame in Few-Ferme, for payment of a competent Fiew-Ferme dutie, and doubling the ſame at the entry of the Heire: Providing that the ſaid Few-Ferme dutie be anſwerable to the retoured duetie of the lands: And where the lands have not been retoured, that the retoure be ruled according to the cuſtome of retoures of landes in the countrey of the like valour, where the ſaids lands lye: And declares, That this preſent Statute ſhall remaine in full force and effect, for the ſpace of three yeares after the date hereof onely, and no longer, while farther order be taken there-anent.

ACT X.

Declaring ſummes Graſs, given to the Miniſters, for their Gleybes to be Teynd-free.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, conſidering in the fifth Parliament holden by his MAJESTIE, upon the twentie five day of Julie, in Anno one thouſand, five hundreth, threeſcore, and eighteene yeares: Chap. 62. His Highneſs with advice and conſent of the ESTATES, Found, and declared, That the Miniſters and Readers ought and ſhould pay no Teynd for their Gleybes, and Kirke-landes, extending to foure Ackers of Land, deſigned unto them conforme to the Act of Parliament: But decerned and declared them to bee free of their ſaids Teyndes, and diſcharged them [*Simpliciter*] thereof in all time comming. LIKE AS in the Parliament holden at *Perth*, the ninth of Julie, in Anno one thouſand ſix hundreth, and ſix yeares, Chap. 7. It is Ordained, That there ſhall be deſigned to the Miniſters ſerving the cure at Kirkes, where there is no arrable land adjacent there-unto, the number of four Summes Graſs for every Acker, of four Ackers of Gleybe, extending to ſixteen ſummes Graſs, for the foure Ackers of Land, and that of the moſt commodious and beſt paſturage of any Kirk-landes, lying next adjacent, and moſt eweſt to the Kirk: And ordained letters to be directed, for removing the poſſeſſours there-from: in ſicklike forme as againſt the poſſeſſours of Manſs and Gleybes. And in reſpect that the Miniſters Gleybes are Teynd-free, and that by conſequence the ſummes Graſs above-mentioned, deſigned in ſteade thereof, where no arrable land is adjacent unto Kirkes, ought likewiſe of all equitie and reaſon to be Teynd-free, in reſpect the ſame is dedicated and appointed *ad pios uſus*.

HERE-

HEREFORE, Our ſaid Soveraigne LORD, with advice and conſent of the whole Eſtates of this preſent Parliament, by the tennour hereof, declares, That the Miniſters and Readers ought, and ſhould pay no Teynd for their ſummes Graſs, deſigned unto them in place of their Gleybes, where no arrable landes are adjacent to Kirkes. And decernes and declares them to be free of their Teynds, and diſcharges them [*Simpliciter*] of all payment thereof, in all time comming.

ACT XI.

Ratification and addition, to the Act of Parliament made anent Reſtitution of Chaptours.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, ratifies, and approves the Act of Parliament made in the moneth of Junij, in the yeare of GOD one thouſande, fixe hundreth, ſeaventeen yeares, anent reſtitution of Chaptours of Cathedral Kirkes, in all the Heads, Clauſes, Exceptions, Limitations, and reſtrictions thereof. And further, Ordaines, and declares, That all Deeds done ſince the date of the ſaid Act, or to be done hereafter, whereby any member of any Cathedral Kirke, being an Office or dignitie, hath been or ſhall be ſuppreſt, or any Land Parſonage, Vicarage, or other Living, belonging to the ſaid dignitie diſſolved from the ſame, without ane expreſſe warrand from his Majeſtie, and conſent of Parliament, are, and ſhall bee, with all that have followed, or ſhall follow thereupon, Null, and of no force, nor effect: and ſhall be ſo founde in all time heareafter, by way of Action, exception, or replye. Providing alwayes the Marqueſſe of HAMILTON His right to the Parſonage of *Hamilton* and *Dalſerffe*: the Earle of *MARRE* His right to the Parſonage of *Carnwath*: and any other Parſon having lawful rights conforme to the Lawes of the countrey, before the Act of Parliament, in *Anno* one thouſand, fixe hundreth, and ſeaventeene yeares, be no wayes hurt, or prejudged herein.

ACT. XII.

Anent Packing, and Peyling.

FOR AS MUCH As by divers Actes of Parliament it is ſtatuted and ordained, That no perſon uſe Packing nor Peyling of Wool, Hydes, nor Skinnes, loſſe nor layd out-with Free Burrowes, and Priviledges of the ſame: Notwithſtanding whereof, divers ſtrangers, and other Inhabitantes, within this Realme, doe continualy reſort to the Yles, and other places thereabout, with their Shippes, Barkes, and Crears, and other Veſſels: and doe not only packe and peyle Skinnes and Hydes; but alſo do tranſport from thence Butter, Tallone, and other forbidden Goods, to the great contempt of the ſaids Lawes, and manifeſt defraud of Our Soveraigne Lord his cuſtomes.

For remeed whereof, OUR SOVERAIGNE LORD, With advice and conſent of the ESTATES of this preſent Parliament, ſtatutes, and ordaines, that no ſtrangers, nor Inhabitants within this Realme, take upon hand to packe or peyle any Hydes or Skins in the ſaids places of the Yles, out-with the Free-Burrowes: nor that they tranſport, take away, or carrie forth of this Cuntrey, any Butter, Talone, or other forbidden Goods, under the paine of tinſel and confiſcation of the Hydes and Skinnes ſo packed and peyled by them: and of tinſel and confiſcation of the ſhippe and whole goods that the owner of the ſaids forbidden goods hath within the ſame. AND ORDAINES The Shireffes of the Shires and their Deputies and Over-Lordes of the Landes where the ſaids Skinnes and Hydes are packed, and peyled, or from whence the ſaids forbidden goods are tranſported, To put this preſent Act to execution, as they will anſwere to his Majeſtie, upon their Office and Obedience.

ACT. XIII.

Anent the diſcharging of protections.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, Underſtanding that there may ſundrie protections bee ſought by Banckruptes and others, who are addebted in great ſummes of money: whereby the execution due unto the Creditor, by the Lawes of the countrey, againſt the Debtor, may be fruſtrate, To the great Dammage of the Creditour. FOR REMEEDE Whereof, IT IS Statuted, and Ordained, That hereafter the Lords of Seſſion ſhall grant no protection from any Execution due and competent againſt any man of the Law. AND Declares, That if any ſhall be hereafter granted, the granter of the ſame ſhall be ſubject and lyable of the Law to the Creditor for the ſumme, from the which he hath granted protection.

ACT

ACT. XIIII.

Anent playing at Cardes and Dyce, and Horſe-races.

OUR SOVERAIGNE LORD, And ESTATES of Parliament, Conſidering the manifold evils, and inconveniencies, which enſue upon Carding and Dycing, and Horſe-races, which are now over-much frequented in this Country, to the great prejudice of the Lieges. And becauſe honeſt men ought not to expect that any winning had at any of the Games above-written, can do them good, or proſper: HAVE therefore, ſtatuted and ordained, That no man ſhall play at Cards nor Dyce in any common-houſe, Town, Hoſtelrie, or Cookes houſes, under the pain of fourty pounds, money of this Realme; to be exacted of the keeper of the ſaids Inns, or common houſes, for the firſt fault: and loſſe of their liberties for the next. Moreover, That it ſhall not be lawful to play in any other private mans houſe, but where the Maſter of the Family playeth himſelf. And if it ſhall happen any man to winne any ſummes of money, at Carding or Dycing, attour the ſumme of an hundreth Merks, within the ſpace of twenty four houres: or to gaine at Wagers upon Horſe-races, any ſumme attour the ſaid ſumme of an hundreth Merks; The ſuperplus ſhall be conſigned within twenty four houres thereafter, in the hands of the Theſaurer of the Kirk, if it be in *Edinburgh*: Or in the hands of ſuch of the Kirk Seſſion in the Countrey Parochines, as Collects and diſtributes money for the poor of the ſame; To be imployed alwayes upon the poor of the Paroche, where ſuch winning ſhall happen to fall out. And to the effect, that either exceſſe in play may be thus reſtrained: Or at the leaſt, exceſſive winning may be imployed as ſaid is. OUR Soveraign Lord, by Act of his Supreame Court of Parliament, Gives full power, and Commiſſion, to the Bailies and Magiſtrates of Burrowes, the Sherriffs and Juſtices of Peace, in the Country, to purſue, and conveen all ſuch perſons, for all winning at Cardes, Dyce, and Horſe races, which ſhall happen to be made by any perſon, by and attour the ſaid ſumme of an hundreth Merks, money aforeſaid. And in caſe the Magiſtrate informed thereof refuſe to purſue for the ſame, The party informer ſhall have action againſt the ſaid Magiſtrate, for double the like ſumme: The one half whereof to be given to the poor, and the other halfe to the party informer.

ACT. XV.

Act declaring all Tacks ſet for longer ſpace nor three years, without conſent of the Patron, being perſons under the degree of Prelates, ſince 1594. to be Null.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, Underſtanding, That diverſe beneficed perſons, under the degree of Prelates, have taken occaſion upon an Act made in our late Parliament, holden at *Edinburgh*, the twenty eight day of *Junii*, one thouſand, ſix hundreth, and ſeventeen years, Intituled, *Anent the ſetting of Tacks by Prelates, and other beneficed perſons*: To ſette Tacks and Aſſedations of Lands and Teynds of their ſaids Benefices, or ſome partes and portions thereof, unto diverſe and ſundry perſons, for the ſaid beneficed perſon his life time, and for the ſpace of five years after his deceaſe: without conſent of the Patrone. Albeit the ſaid Act of Parliament giveth no ſuch liberty to any beneficed perſons, under the degree of a Prelate, to ſette ſuch Tacks. But only declareth, for what ſpaces a Biſhop or other Prelate may ſette: and for what ſpaces a beneficed man, under the degree of a Prelate, may ſet. Which was done by the ESTATES, to reſtrict the unbounded libertie uſed in ſetting of Tacks for many life-rents, and ninteen years. And the ſaid declaration no wayes taketh away the lawful ſolemnities, required to the ſetting of the ſaid Tacks, either by conſent of the Chapter, or Patrone. Which ſtill remaineth in the own force, underogate. Otherwayes, it ſhould be lawful for a Prelate, to ſet Tacks for ninteene years, without conſent of the Chaptour; which is altogether abſurd.

And ſeeing by an expreſſe Act, made in our Soveraign Lords fourteenth Parliament, holden at *Edinburgh*, the eight day of *Junii*, 1594. IT IS found, and declared, That no beneficed man, under a Prelate, within this Realme, may in time thereafter, ſet longer Tacks of Teynds, or other pertinents of their Benefice, without conſent of their Patrones, but for the ſpace of three yeares only. Which Act ſtandeth in full force, ſtrength, and effect: and is no wayes annulled, nor taken away, by the ſaid poſteriour Act above ſpecified.

THEREFORE, His Majeſtie and Eſtates foreſaids, for eſchewing of all controverſie that may ariſe upon the ſaid laſt Act, Declares, That the ſaid laſt Act makes no derogation unto the ſaid firſt Act: And that all Tackes ſette by beneficed perſons, under the degree of Prelates, ſince the ſaid eight day of *Junii*, 1594. of any part of their ſaids benefices, longer then for the ſaid ſpace of three years, without conſent of their patrones, are null, and of none availe, conforme unto the ſaid firſt Act above-ſpecified.

ACT XVI.

Anent Mettes and Meaſures.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, conſidering, that by the Act of Parliament holden in Junij, 1617. there was a Commiſſion granted unto certaine perſones therein nominate, for appoynting and eſtabliſhing a conſtant Mette and Meaſure, for buying and ſelling of victual within this Realme. Which Commiſſioners gave out their ſentence and determination, declaring the Meaſure and Furlot of Linlithgow, to be the juſt and only Furlot, which ſhould bee uſed by all his Majeſties Lieges, in buying and ſelling of victual. Notwithſtanding whereof, there are many and great abuſes committed in this Kingdome, contrarie to the ſaid Act and determination of the ſaids Commiſſioners: To the prejudice of His Majeſties Lieges.

FOR remeed whereof, His Majeſtie, and Eſtates foreſaids, have ratified, approved: and by the tennor hereof, ratifies, approves, and confirmes, the Act and Statute [*reſpective*] above-written, in the whole Heads and conditions of the ſame: after the forme and tennour thereof. And commands and charges, all his Majeſties Lieges, and ſubjectes, To acknowledge, imbrace, obey, and obſerve the ſame Act aud Statute, [*reſpective*] in the whole heads and conditions of the ſame, in forme and manner ſpecially and particularly mentioned and ſet downe there-intil, after the formes and tenoures thereof, under all higheſt paine, charge, and offence, which they may incurre, through their diſobedience, and as they will be anſwerable thereanent.

ACT XVII.

Anent the diſcharging of a Peck to the Bow.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, underſtanding of the fraude and frequent abuſe, committed by many of His Majeſties ſubjects, buyers and blockers of victual: who knowing that there are conſtant and ſetled meaſures, lawfuly eſtabliſhed, by the Lawes and ſtatutes of this Kingdome: by the which all ſortes of victual univerſaly ought to be bought and ſold, according to the quantitie appointed by the ſaids metts, without adding of any quantitie to the ſame, or diminiſhing there-from. Yet not the leſſe, when they make their bargaines and conditions anent the buying of any particular quantitie of victual, they by their undirect dealing, many times cauſe the Seller agree to ſuper-adde, and deliver unto them, by and attour the true quantitie which is bought and ſold at the prices conveened upon, ſome certaine farder quantitie of Victual, leſſe or more, as they may beſt move the ſeller to condiſcend to, and for the which they are not ſubject in payment of any price, to the great prejudice of the Lieges, and the manifeſt abuſe and eluſion of the Law.

FOR REMEED Whereof, It is ſtatuted and ordained, That it ſhall not be lawful for any of his Majeſties ſubjects, to blocke, or agree upon the price of Victual, more or leſſe, except they firſt agree and condiſcend upon the price of the firſt boll of the bargaine: which being ſo agreed upon, the ſaid price ſhall rule the whole quantitie of the reſt of the bolles to be receaved by the buyer, who ſhall have no eik, or addition of any further quantitie, except upon the payment of that ſame price, as is conditioned for the ſaid firſt boll: And if any perſon contraveen this preſent Act, hee ſhall pay the ſumme of Fourtie ſhillings for everie boll of Victual, receaved by him contrarie to the tennour of this Act: and that by and beſide the prices of the Victual; the halfe of the ſaid ſumme to his Majeſtie and his Theſaurer, and the other halfe thereof to the partie delator of the ſame.

ACT XVIII.

A Ratification of the Act of the Lords of Council and Seſſion, made in Julie 1620. againſt unlawful Diſpoſitions and Alienations, made by Dyvours and Banck-rupts.

OUR SOVERAIGNE LORD, with advice and conſent of the ESTATES, conveened in this preſent Parliament, ratifies, approves, and for his Highneſſe, and his Succeſſours, perpetually confirmes the Act of the Lords of Council and Seſſion, made againſt Dyvours and Banck-rupts, at *Edinburgh*, the 12. daye of Julie, 1620. and ordaines the ſame to have, and take full effect, and execution, as a neceſſarie and profitable Law, for the weale of all his Highneſſe Subjectes: Of the which Act the tennor followeth.

THE LORDS Of Council and Seſſion underſtanding, by the grievous and juſt complaints of many of his Majeſties good ſubjects, that the fraude, malice, and fallhood of a number of Dyvours and bankrupts, is become ſo frequent, and avowed, and hath already taken ſuch progreſſe, to the over-

throw

throw of many honeſt mens fortunes, and eſtates; that it is likely to diſſolve truſt, commerce, and faithful dealing amongſt Subjects: Whereupon muſt enſue the ruine of the whole Eſtate, if the godleſſe deceites of thoſe be not prevented, and remedied; who by their apparent Wealth in Lands and goods, and by their ſhowe of Conſcience, Credite, and Honeſtie; drawing into their hands upon truſt the Money, Merchandize, and Goods, of well-meaning and credulous perſons, doe no wayes intend to repay the ſame: but either to live ryetouſly by waſting other mens ſubſtance: or to enrich themſelves, by that ſubtil ſtealth of true mens goods, and to withdraw themſelves, and their goods foorth of this Realme, to elude all execution of Juſtice: And to that effect, and in manifeſt defraud of their Creditors, do make ſimulate and fraudful alienations, diſpoſitions, and other ſecurities, of their Lands, Reverſions, Teyndes, Goods, Actions, Debtes, and others belonging unto them, to their Wives, Children, Kinſ-men, Alleyes, and other confident and interpoſed perſons; without any true, lawful, or neceſſarie cauſe: and without any juſt or true price interveening in their ſaids bargaines: Whereby their juſt Creditors, and Cautioners, are falſly and godleſly defrauded of all payment of their juſt Debts; and many honeſt Families likely to come to utter ruine.

FOR remeed whereof, the ſaids LORDES, according to the power given unto them by His Majeſtie and His moſt Noble Progenitors, to ſet downe orders for adminiſtration of Juſtice: meaning to follow and practiſe the good and commendable Lawes, Civil and Canon, made againſt fraudful alienations, in prejudice of Creditors, and againſt the authors and partakers of ſuch fraude; Statutes, ordaines, and declares, That in all actions, and cauſes depending, or to be intended by any true creditor, for recoverie of his juſt debt, or ſatiſfaction of his lawful action and right: They will decreete and decerne, all alienationes, diſpoſitions, aſſignations, and tranſlations whatſoever, made by the debtor, of any of his lands, teindes, reverſions, actions, debtes, or goods whatſoever, to any conjunct or confident perſon, without true, juſt, and neceſſarie cauſes, and without a juſt price really payed, the ſame beeing done after the contracting of lawful debts from true creditors: To have beene from the beginning, and to be in all times comming, Null, and of none availe, force, nor effect: at the inſtance of the true and juſt creditor, by way of action, exception, or reply: without further declarator. And in-caſe any of His Majeſties good ſubjectes (no wayes partakers of the ſaids fraudes) have lawfully purchaſed any of the ſaids Bankrupts landes or goods, by true bargaines, for juſt and competent pryces, or in ſatisfaction of their lawful debts, from the interpoſed perſons, truſted by the ſaids dyvours. In that caſe, the right lawfully acquired by him who is no-wayes partaker of the fraude, ſhall not be annulled in manner foreſaid. But the receiver of the pryce of the ſaids lands, goods and others, from the buyer, ſhall be holden and obliſhed to make the ſame forth-comming to the behoove of the bankruptes trew creditors, in payment of their lawful debts. And it ſhall be ſufficient probation of the fraud intended againſt the creditors, if they, or any of them, ſhall be able to verifie by writte, or by oath, of the partie receivet of any ſecuritie from the dyvour or bankrupt, that the ſame was made without any true, juſt, and neceſſarie cauſe, or without any true and competent price: Or that the landes and goods of the dyvour and bankrupt beeing ſold by him who bought them from the ſaid dyvour, the whole, or the moſt part of the price thereof was converted, or to be converted to the bankruptes profite and uſe. Providing alwayes, that ſo much of the ſaids landes and goods, or prices thereof ſo truſted by bankrupts to interpoſed perſons, as hath beene really payed, or aſſigned by them to any of the bankrupts lawful creditors, ſhall be allowed unto them, they making the reſt forth-comming to the remanent creditors, who want their due payments. * And if in time comming any of the ſaids dyvours, or their interpoſed partakers of their fraude, ſhall make any voluntarie payment or right to any perſon, in defraude of the lawful, and more timely diligence of another creditor, having ſerved Inhibition, or uſed horning, arreaſtment, comprizing, or other lawful meane, duely to affect the dyvours lands, or goods, or price thereof to his behoove. In that caſe the ſaid dyvour, or interpoſed perſon, ſhall be holden to make the ſame forth-comming to the creditor, having uſed his firſt lawful diligence: who ſhall likewiſe bee preferred to the concreditor, who beeing poſterior unto him in diligence, hath obtained payment by the partial favour of the debtor, or of his interpoſed confident: and ſhall have good action to recover from the ſaid creditor that which was voluntarily payed in defraude of the perſuers diligence.

* 1.mo Clause.

* 2.d Clause.

Finally, THE LORDES declares all ſuch bankrupts, and dyvours, and all interpoſed perſons, for covering or executing their frauds, and all others, who ſhall give counſel, and wilful aſſiſtance unto the ſaids bankrupts, in the diviſing and practiſing of their ſaids fraudes and godleſſe deceits, to the prejudice of their true creditors, ſhall be reputed and holden diſhoneſt, falſe, and infamous perſons, incapable of all honours, dignities, benefices, and offices: Or to paſſe upon inqueiſtes, or Aſſyſes: Or to beare witneſſe in Judgement, or out-with in any times comming.

ACT XIX.

Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c. made 1606.

OUR SOVERAIGNE LORD With Advice and Conſent of the ESTATES of Parliament, Having conſidered the Act and Ordinance of Secret Councell, made anent pryces, ſet down to be taken by all Writers, Clerkes, Keepers of Seales, and others, particularly expreſſed in the ſaid Act. Which is of the date at *Edinburgh*, the fourth day of Februarie, one thouſand ſix hundreth, and ſix yeares, Hath ratified and confirmed the ſame, in every poynt and Article thereof. Which all and ſundry the premiſſes, OUR SOVERAIGNE LORD with advice and conſent foreſaid, ratifieth, and approveth, in all poyntes, in manner as the ſame proportes: and gives unto them the ſtrength of Lawes, and Actes of Parliament: and ordaines execution to paſſe upon the ſame as effeires. Of the which the tennor hereafter followeth.

Apud EDINBURGH, quarto die menſis Februarij, 1606.

THE LORDES of Secret Council and Seſſion, conſidering the great extortion uſed by the Writers and Clerkes of all Judicatories within this Realme, in extorting from the ſubjectes of the Countrey, ſuch unreaſonable and exorbitant pryces, for their Writtes, as ought not to be ſuffered in a well-governed Common-wealth: Procuring thereby not onely private grudges, but publicke exclamations, againſt the withgate and libertie granted unto ſuch ſhameful ſcafferie and extortion, highlie to his Majeſties offence, and contempt, hurt and prejudice of His Majeſties good ſubjectes, and to the reproach and ſlaunder of the Judges, under whoſe Office and Judicatories the ſaids Clerkes and Writers ſerve.

FOR Remeed whereof in times comming, The Lordes of Secreet Council and Seſſion, have ſet down the prices of all Letters, Actes, Infeftments, and Writtes, proper unto whatſoever Clerkſhip within this Realme: together with the prices of the Signet, Privie and Great Seales. Whereby the ſubjectes of the Countrey may know, and underſtand, what prices they ought to give for everie Letter, Writte, Extract, and ſeale hereafter: and be no wayes ſubject to the undiſcretion of the Writters, and Keepers of the Seales. Which prices now ſet down, by the ſaids Lordes, for the eaſe, benefite, and reliefe of the ſubjectes of the Countrey, The ſaids Lordes ordaines, and commandes, all, and ſundrie Writters, and Clerkes, and the Keepers of the ſeales: everie one in their own ſeveral Charge and Office. To obſerve and keepe, and in no wayes to exceede the ſaids prices, upon whatſoever colour or pretence: under the paine of Deprivation of the contraveener from the Office, and ſeale, which hee poſſeſſeth. And ordaines, and commandes, the ſaids Clerkes, and Writters, To write all their Letters, Actes, Writs, Regiſters, and ſuch other things as paſſe thorow their Office and handes, compactlie: and in no wayes to abuſe the People with diſperſe writing: under the paine to be cenſured and puniſhed, as abuſers of His Majeſties ſubjectes, and as contraveeners of the ſaids Lordes Ordinance, now ſet down anent the ſaids prices. Commanding and charging alſo all and ſundrie Clerkes and Writters, bearing publick Function and Charge within this Kingdome, That they, & every one of them, within the ſpace of a Moneth after the date hereof, have the juſt and authenticke double of this Act, and of the pryces following thereupon, affixed in ſome publick and patent place of their Buith, and chamber where they write: where-thorow all his Majeſties ſubjects having adoe with them, may have inſpection of the ſame: and accordingly, know what to pay. And that the ſaids Writters, and Clerkes, ſhall write upon the backes of all Writs to bee given out by them, the juſt and ordinarie price which they receive from the party for their pains: and ſubſcribe the ſame with their hands, under the ſaid paine of deprivation of the contraveener.

The Pryces ſet down to the Clerkes of our Soveraigne Lordes Signet, to be taken hereafter for all Signatures, to be formed, and written by them.

ANE Signature of Eſcheat to pay . . . . . Ten ſhillings.
Ane Signature of Eſcheat and Life-rent, ... xx. ſhilings.
Ane ſignature of Warde, *Non entres*, Relieſe, and Marriage, ... xx. ſhillings.
Ane ſignature of Marriage onely, *Non entres* onely, or Relieſe onely, . . . x. ſhillings.
Ane ſignature of whatſoever Infeftment, Reſignation, or Confirmation, or Erection, for the firſt ſheet thereof, ... xxx. ſhillings.
And for every ſheet moe, beſide the firſt ſheete, ... xx. ſhillings.
The Precepts upon the ſignatures to pay accordingly as the ſignature payeth.
A Remiſſion, or Reſpite, ... x. ſhillings.
The Precept upon the Remiſſion, ... x. ſhillings.
Ane preſentation to a Parſonage and Vicarage, ... xiij. ſhill. iv. d.
Ane ſignature of a Biſhopricke, or Abbacie, containing a ſheete of paper, . . . xxx. ſhillings.

And

And for every ſheete more than one, which the ſignature contains, xx. ſhillings.
The Precept thereof to pay accordingly.
Other common ſignatures of Penſions, Prebendaries, Chaplainries, or Giftes of Offices, xiij. ſhillings, iv. pennies.

Pryces ſet down to the Keeper of the Theſaurers Regiſter, to be taken hereafter of all ſuch Gifts and Signatures as paſſe the ſaid Regiſter.

THE Eſcheat of any common man, vj. ſhillings, viij. pennies.
And for every perſon moe that ſhall be contained in the ſignature, iij. ſhillings, iiij. pennies.
Providing that the payment [*per capita*] exceede not ten perſons.
Their Eſcheate and Life-rent to pay the double of the ſame ſummes.
The Eſcheate of a Barron, xiij. ſhillings, iv. pennies.
And for every perſon of that rank, contained in the ſignature, vj. ſhillings, viij. d.
Providing that the payment [*per capita*] exceede not ten perſons: and their Eſcheate and Life-rent, to pay the double of the ſame ſummes.
The Eſcheat of a Lord of Parliament, xl. ſhillings.
And for every perſon moe of that ranke, contayned in the ſignature, xx. ſhillings.
Providing that the payment [*per capita*] exceede not ten perſones: Their Eſcheate and Life-rent to pay the double of theſe ſummes.
Ane Legittimation, xiij. ſhillings, iv. pennies.
Ane Remiſſion, or reſpite to a common man, vj. ſhillings, viij. pennies.
And for everie perſon moe of that ranke, contained in the ſaid ſignature, iij. ſhillings, iv. pennies.
The remiſſion, or reſpite of a Barron, xiij. ſhillings, iv. pennies.
And for everie perſon moe of that ranke, contayned in the ſignature, vj. ſhillings, viij. pennies.
The remiſſion, or reſpite of a Lord of Parliament, xl. ſhillings.
And for everie perſon moe of that ranke, contained in the ſame ſignature, xx. ſhillings.
Ane ſignature of Infeftment of a Five pound land, or under, xx. ſhillings.
Ane ſignature of Infeftment of a Ten pound land, or under, xxx. ſhillings.
Ane ſignature of Infeftment of all other lands, under a Barronie, or Thirtie pound land, xl. ſhillings.
The Infeftment of a Barronie, l. ſhillings.
The Infeftment of an Earledome, or Lordſhip, iv. pounds.
The Warde, Non entres, Reliefe, and Marriage of a Yeoman, xiij. ſhillings, iv. d.
Of a Barrone, xxvj. ſhillings, viij. pennies.
Of a Lord of Parliament, iv. pounds.

Pryces ſet down to the Keepers of the Collectors Regiſter, to be taken hereafter of all ſuch Letters as paſſe that Regiſter.

ANE Infeftment of a Five pound land, or under, xx. ſhillings.
Ane Infeftment of a Ten pound land, or under, xxx. ſhillings.
Ane Infeftment of all other lands, under a Thirtie pound land, or Barronie, xl. ſhillings.
The Infeftment of a Barronie. l. ſhillings.
The Infeftment of a Lordſhip of Parliament, iv. pounds.

Pryces ſet down to the Keepers of the Regiſter of Benefices, to be taken hereafter of all ſuch Letters as paſſe that Regiſter.

PRESENTATION to a Vicarage, with the Act of Caution, xx. ſhillings.
Preſentation unto a Parſonage, with the Act of Caution, xl. ſhillings.
Ane Abbacie, iv. pounds.
Ane Biſhopricke, vj. pounds.

Pryces ſet down to the Writers to the privie Seale, to be taken hereafter of all ſuch Letters and Writtes as paſſe that Office.

THE Eſcheate of a Common man, xiij. ſhillings, iv. pennies.
And for everie perſon moe of that ranke, contained in the ſignature, vj. ſhillings, viij. pennies.
Providing that their payment [*per capita*] exceede not ten perſons: Their Eſcheate, and Life-rent, to pay the double of theſe ſummes.
The Extract of the ſaid Eſcheat, and Life-rent, xiij. ſhillings, iv. pennies.

The Eſcheat of a Barron, ... xxvj. ſhillings, viij. pennies.
And for everie perſon moe of that ranke, contained in the ſignature, . . xiij. ſhillings, iv. pennies
Providing alwayes that the payment [*per capita*] exceede not ten perſons.
Their Eſcheat, and Life-rent to pay the double of this ſumme.
The Extract of this Eſcheat, and Life-rent, ... xx. ſhillings.
The Eſcheat of a Lord of Parliament, ... iv. pounds.
And for everie perſon moe of that ranke, contained in the ſignature, . . . xl. ſhillings.
Providing that the payment [*per capita*] exceed not ten perſons:
Their Eſcheat, and Life-rent to pay the double of the ſaid ſumme.
The Extract of this Eſcheat, and Life-rent, to pay . . . . xl. ſhillings.
Signature of a Vicarage, ... xx. ſhillings.
Signature of a Parſonage, ... xl. ſhillings.
Signature of a Biſhopricke, ... x. pounds.
Signature of an Abbacie, ... vj. pounds.
Ane Legittimation, ... xx. ſhillings.
Ane remiſſion, or reſpite, to a common man, ... x. ſhillings.
And for everie perſon moe of that ranke, contained in the ſignature, . . . v. ſhillings.
A remiſſion, or reſpite, to a Barron, ... xx. ſhillings.
And for everie perſon moe of that ranke, contained in the ſignature, . . . x. ſhillings.
Ane remiſſion, or reſpite, to a Lord of Parliament. . . . . iij. pounds.
And for every perſon moe of that ranke, contained in the ſignature, . . . xxx. ſhillings.
Ane Infeftment of a Five pound land, or under, ... xxx. ſhillings.
Ane Infeftment of a Ten pound land, or under, ... xl. ſhillings.
Ane Infeftment of all other landes, under a Thirtie pound land, or Barronie, . . iij. pounds.
Ane Infeftment of a Barronie, ... iv. pounds.
Ane Infeftment of a Lordſhip of Parliament, ... vj. pounds.
The Warde, Non Entreſſe, Marriage, and Reliefe, of a comman man, . . . xx. ſhillings.
Of a Barrone, ... xl. ſhillings.
Of a Lord of Parliament, ... v. pounds, vj. ſhillings, viij. pennies.

Pryces ſet down to the Director of the Chancellarie, to be taken hereafter of all ſuch Letters and Writtes as paſſe that Office.

Legittimations, ... xl. ſhillings.
Remiſſions to a Yeoman, ... xl. ſhillings.
And for everie perſon moe then one contained therein, ... xx. ſhillings.
Remiſſion to a Barron, ... iv. pounds.
And for every perſon of that Ranke, moe than one contained therein, . . xl. ſhillings.
Remiſſion to a Lord of Parliament, ... vj. pounds.
And for everie perſon of that Ranke, moe than one contained therein. . . iij. pounds.
The writting and regiſtring of a Confirmation, or Infeftment, of a five pound land, or under, with the Precept of ſeaſing there-upon: duely and orderly paſt the Quarter-ſeale, . . iv. pounds.
The writting and regiſtring of a Confirmation or Infeftment of a Ten pound Land, or under, with the precept of ſeaſing following there-upon, duely and orderly paſt the Quartet-Seale, . . v. pounds.
The writting and regiſtring of a Confirmation, or Infeftment, of all other lands, under a Barronie, or Thirtie pound land, with the precept of Seaſing following there-upon, duely and orderly paſt the Quarter-ſeale, ... vj. pounds.
The writting and regiſtring of an Infeftment of a Barronie, with the precept of Seaſing paſt the Quarter-ſeale, ... x. pounds.
And for everie Barronie, moe then one contained therein, ... v. pounds.
Providing that the whole payment exceed not, ... xx. pounds.
The writting and regiſtring of an Infeftment of a Lordſhip, or Earledome, with the precept of Seaſing paſt the Quarter-ſeale, ... xx. pounds.
And for everie Barronie, moe then one contained therein. . . . . v. pounds.
Providing that the whole payment exceed not . . . . . l. pounds.
Commiſſions orderly paſt the Quarter-ſeale, for ſerving of Brieves in favour of a Yeoman, xl. ſhillings.
Commiſſions ſealed in favours of a Barron, ... iij. pounds.
Commiſſions ſealed in favours of a Lord of Parliament, ... vj. pounds.
Tutorie Datives, duely and orderly ſealed, ... xl. ſhillings.
For the whole perſons contained in the Tutorie.
Preſentations upon forefaulter, or baſtardrie of ſmall Annuel-rents, or lands within Burgh: and of ſmall peeces of landes, for the writing and Quarter-ſeale, ... xl. ſhillings.

And

And of other lands of greater availe, ... v. pounds.
Ane Brieve, ... v. ſhillings.
Ane Attornie, ... ij ſhillings.
The regiſtring of a Retour to a common man, ... xiij. ſhillings, iv. pennies.
To a Barron, ... xxvj. ſhillings, viij. pennies.
To a Lord of Parliament, ... xl. ſhillings.
Precepts upon the Retour for lands, under a Ten pound land, . . . xl. ſhillings.
And if the lands bee above a Ten pound, to pay accordingly: providing that the higheſt price exceed not . . . . . iiij. pounds.
The ſecond and third Precepts, ... xx. ſhillings.
The fourth Precept, conforme to the firſt Precept.
Summonds of Errour, paſt the Quarter-Seale, ... iv. pounds.
And in-caſe it containe many remiſſions, not to exceed, ... vj. pounds.

Pryces ſet down to the Writters to the Signet, to bee taken hereafter, of all Letters, Summonds, and Writtes, which paſſe their handes: Excepting alwayes Signatures, the pryces whereof are already ſet down.

ADvocations, and Suſpenſions, ... xiij. ſhillings, iv. pennies.
For the firſt ſheete: and for everie ſheete moe, which it containeth, beſides the firſt ſheet, x. ſhillings.
All common Letters, ... x. ſhillings.
Contractes, for the firſt ſheet, ... xxx. ſhillings.
And for every ſheet moe, which it containeth, ... xx. ſhillings.
Summonds, of a ſheet of paper, ... xiij. ſhillings, iv. pennies.
And for everie ſheet moe, which it containeth, ... x. ſhillings.

Pryces ſet down to the ordinarie Clerkes of the Seſſion, to be taken hereafter of all ſuch Letters, Actes, and Writtes, as paſſe that Office.

THE Regiſtring of an Obligation, ... xiij. ſhillings, iv. pennies.
The Extract thereof, ... xiij. ſhillings, iv. pennies.
Act, and Letters, ... xx. ſhillings.
An Act of *Litis Conteſtation*, in ſummare and common cauſes, for everie ſheet of the Act, and of the Decreet, ... xx. ſhillings.
And in matters of contentious Diſputation, heard in preſence of the ſaids Lordes, The pryce of the Act of *Litis Conteſtation*, to be at the diſcretion of the partie.
Common and ordinarie Extracts, for every ſheet extracted, . . xiij. ſhillings, iv. d.
The regiſtration to pay as much.

Pryces ſet down to the Clerke of the Billes, before the Seſſion, to be taken hereafter of all Billes and Acts proper to that Office.

BILLES, ... iv. pennies.
Actes of Caution, with the reliefe, ... xx. ſhillings.
Commiſſions, ... xiij. ſhillings, iv. pennies.
Diſpenſations in favours of a partie, ... iv. pennies.
And for a Sherrifdome, Stewardrie, or Burgh, . . . vj. ſhillings, viij. d.
Actes of Law-burrowes, For everie perſon contained in the Act. . vj. ſhillings, viij. pennies.
Advocations, ... xx. ſhillings.
Relaxations (*perſe*) . . . . vj. ſhillings, viij. pennies.
And for everie perſon contained therein accordingly.

Pryces ſet down to the Clerke of Privie Councell, to be taken hereafter of all ſuch Letters and Writtes as paſſe that Office.

LETTERS of Complaint, containing a ſheet of Paper, . . xx. ſhillings.
And for everie ſheet attour the firſt ſheet, ... x. ſhillings.

Letters

Letters of Law-burrowes, ... xiij. ſhillings. iv. pennies.
An Act of Caution, with the reliefe, ... xx. ſhillings.
An Act of Law-Burrowes, for everie perſon contained in the Act, vj, ſhillings, viij. pennies.
Decreetes of a ſheet of paper, ... xxvj. ſhillings, viij. pennies.

Pryces ſet down to the Clerkes of the Exchequer, to bee taken hereafter of all writs which paſſe that Office.

ITEM, for writing, rolling, and extracting of a Sherriffes Compt, . iij. pounds, vj. ſhillings, viij. p.
Item, for writing, rolling, and extracting of a Chamberlaines Compt, iij. pounds, vj. ſhillings, viij. p.
Item, for writing, rolling, and extracting of a Burrow compt, . . xx. ſhillings.
Item, for writing an Extract of a Rental, ... vj. ſhillings, viij. pennies.
Item, for writing of a compt unto any perſon, foorth of the compt-roller, or Theſaurers compts, ... vj. ſhillings, viij. pennies.
Item, for allowance of a Gift in the Exchequer, . . vj. ſhillings, viij. pennies.
Item, for writing, rolling, and extracting of a Cuſtome compt, . . xx. ſhillings.

Pryces ſet down to the Keeper of our Soveraigne Lordes Signet, to bee taken hereafter, for all Letters, and writtes, which paſſe the Signet.

FOR Summondes, of whatſoever qualitie, ... x. ſhillings.
For letters of Inhibition, and arreaſtment, . . . xvj. ſhillings, viij. pennies.
For letters of Law-burrowes, and criminal letters, how many perſons ſoever be inſert, x. ſhillings.
For Miniſters Letters, ... x. ſhillings.
For all letters of Horning, of whatſoever qualitie: Except letters of Law-burrowes, and criminal letters, ... xxxj. ſhillings, viij. pennies.
A Relaxation, ... x. ſhillings.
And accordingly for everie perſon relaxed: or compoſition, at the diſcretion of the Keeper of the Signet.
For a Legitimation, ... xx. ſhillings.
For ane Infeftment, or Confirmation, of a five pound land, or under, . . xxx. ſhiilings.
For ane Infeftment, or Confirmation, of a Ten pound lande, or under, . . xl. ſhillings.
For ane Infeſtment, or Confirmation of other landes, under a Thirtie pound land, or Barronie, ... I. ſhillings.
For ane Infeftment of ane Barronie, ... iij. pounds.
And of ſo many more different Barronies as are contained in the Signature, . . iij. pounds.
For ane Infeftment of ane Earledome, and Lordſhip of dignitie, . . vj. pounds.
And for everie Barronie beſide, contained in the Signature, . . iij. pounds.
For compryſings, ... xl. ſhillings.
For an Abbacie, ... vj. pounds.
For a Biſhopricke, ... x. pounds.
For an Arch-biſhopricke, ... xij. pounds.
And if an Abbacie be included, to pay . . . . vj. pounds.
For a Remiſſion to a common man, ... xx. ſhillings.
And accordingly for every perſon contained in the ſame remiſſion, and for every crime.
For a Remiſſion unto a Barron, ... xl. ſhillings.
And accordingly, for every perſon of that ranke, and for every cryme contained in the Signature.
For a Remiſſion to a Lord of Parliament, . . . iij. pounds.
And accordingly, for every perſon of that ranke, and for everie cryme contained in the Signature.
A Patronage being inſert in a Barronie, to pay the halfe price that the Barronie payeth at the Signet.
A Taxt Warde being inſert, to pay likewiſe the halfe price that the Landes or Barronie payeth at the Signet.
A Regalitie to pay the whole pryce that a Barronie payeth at the Signet.

Pryces ſet down to the Keepers of the Privie Seale, to be taken hereafter for all Letters and Writtes that paſſe the ſeale.

FOR the Eſcheate of a common Man, . . . xxvj. ſhillings viij. d.
And for every perſon moe contained in the Signature, . . xiij. ſhillings, iv. pennies.
The liſe-rent, and Eſcheate to pay the double of this ſumme.
For the Eſcheat of a Barron, ... liij. ſhillings, iv. pennies.
And for every perſon moe of that ranke, contained in the Signature, . xxvj. ſhillings. viij. pennies.
Their Eſcheate and life-rent to pay the double of this ſumme.
The Eſcheat of a Lord of Parliament, ... viij. pounds.
And for every perſon moe of that ranke, contained in the Signature, . . iv. pounds.
Their Eſcheat and life-rent to pay the double of this ſumme.
For a Vicarage, ... xl. ſhillings.
For a Parſonage, ... iv. pounds.
For an Abbacie, ... xij pounds.
For a Biſhopricke, ... xx. pounds.
For an Arch-biſhoprick, ... xxiv. pounds.
And if an Abbacie be included, to pay . . . . xij. pounds.
For a Legittimation, ... xl. ſhillings.
For a Remiſſion, or Reſpite, to a common man, . . . xl. ſhillings.
And accordingly, for everie perſon, and every crime, contained in the Signature.
For a remiſſion, or reſpite, to a Barron, ... iij. pounds.
And accordingly, for every perſon moe of that ranke, and for everie crime contained in the ſignature.
For a reſpite, or remiſſion, to a Lord of Parliament, . . . vj. pounds.
And accordingly, for every perſon of that ranke, and for everie crime contained in the ſignature.
For ane Infeftment, or Confirmation of a five pound Land, or under, . . iij. pounds.
For the Infeftment, or Confirmation of a Ten pound Land, or under, . . iv. pounds.
For the Infeftment, or Confirmation, of all other landes, under a Thirtie pound land, or Barronie, ... v. pounds.
For an infeftment, or confirmation of a Baronie, ... vj. pounds.
And for every Barrony moe contained in the ſaid Infeftment, . . . iij. pounds.
For an Infeftment, or Confirmation, of an Earledome, or Lordſhip of Dignitie, . xij. pounds.
And for every Baronie Beſide, contained in the Infeſtment, . . . vj. pounds.
For a Compryſing, ... iv. pounds.
For a Patronage, inſert in a Barronie, the halfe price of the Privie Seale.
For a Taxt Ward, the halfe price that the Land or Barronie payeth at the Privie Seale.
For ane Regalitie, the whole price that the Barronie payeth at the Privie Seale.
For the Warde, Non Entreſſe, Reliefe, and Marriage of men under Barrones, . . xl. ſhillings.
For the Warde, Non Entreſſe, Reliefe, and Marriage of a Barrone, . . iv. pounds.
For the Warde, Non Entreſſe, Reliefe, and Marriage of a Lord of Parliament, . x. pounds.
For the Warde only of a meane man, ... xxx. ſhillings.
For the Warde only of a Barrone, ... iij. pounds.
For the Warde only of a Lord of Parliament, ... v. pounds.
For the Non Entreſſe only of men under Barrones, . . . xx. ſhillings.
For the Non Entreſſe only of Barrones, ... xl. ſhillings.
For the Non Entreſſe only of Earles and Lords, . . . iij. pounds.
For the Marriage only of Men under Barrones, . . . xxx. ſhillings,
For the Marriage only of Barrones, ... iij. pounds.
For the Marriage only of Lords of Parliament, . . . v. pounds.
For common Giftes of Prebendaries, Chaplainries, Penſions, or Offices, . xxx. ſhillings.

Pryces ſet down to the Great Seale, to be taken hereafter for all ſuch Infeftments and Writtes, as paſſe that Seale.

THAT The Keeper of the Great Seale exceede not the Quadruple of the Privie Seale: but conforme himſelf thereunto in all poyntes.

Anent Chamber Fees.

THE Lords of Secret Council, and Seſſion, findes, that in times by-gone, when the duety of the Chamber Fees firſt came in cuſtome, That no Infeftment, or ſignature payed chamber Fee: except only Reſignations made in the KINGS Hands. And therefore the ſaids Lords declare, ſtatute, and ordaine, That in all time comming, no Infeftment, nor Signature, ſhall pay Chamber-fee: Except only Reſignations of lands holden of his Majeſtie. And that the duetie of the Chamber-fee to be taken for the ſaids Reſignations, ſhal be equal, and proportional unto the duetie and price due to the Privie Seale for the lands which ſhall be reſigned. Commanding hereby, his Majeſties Uſheres, and their Deputies, apppointed for collecting of their ſaid Fee; That they in no wayes violate this preſent Act: but conforme themſelves thereunto in all poynts, as they will anſwere upon their obedience. And that the keeper of the Signet and Privie Seale, in no wayes ſtay nor hinder any Letter, or Writte, at their Seales, for alledged not payment of the Chamber Fee, under the paine of deprivation.

Pryces ſet down to theProcurators Fiſcal, to be taken hereafter for forming of Teſtaments.

FOR ſmall Teſtaments, wherein there is little Geare, and a meane Quote, xiij. ſhillings, iv. pennies.
For Teſtaments wherein there is much Geare, and a great Quote, . . xx. ſhillings.
For the Teſtaments of Earles, Lordes, and great Barrones, for everie ſheet . xxx. ſhillings.

Pryces ſet down to the Commiſſarie Clerks, to be taken hereafter of all ſuch Letters and Writtes as paſſe their Office.

ANE Summondes (*Ad inſtantiam*) with the Signet, . . . viij. pennies.
Ane libelled ſummonds, not exceeding halfe a ſheet of paper, compactly written, . ij. ſhillings.
The libelled ſummondes, exceeding halfe a ſheet of paper, . . iij. ſhillings.
The putting of an Act into the Booke, ... iv. pennies.
And further, as the writing ſhall be of quantitie, at the diſcretion of the Judge. And the Extract of the ſame as much: and further, at the diſcretion of the ſaid Judge.
The ſummonds, to ſummond Witneſſes: whether the partie, or his procurator be warned, [*apud acta*] or not, ... viij. pennies.
For pronouncing of ſentences in ſmall actions, of the availe of twentie pounds, or within: which were wont to be called Decreetes, ... iij. ſhillings, iv. pennies.
For pronouncing of ſentences in cauſes of greater availe, . . vj. ſhillings, viij. d.
The precept Executorial upon the ſentence, ... ij. ſhillings.
The Inhibition, ... ij. ſhillings.
Precepts of arreaſtment, ... ij. ſhillings.
For ſummondes to heare Executors (*Datives*) given, . . . ij. ſhillings.
For regiſtring of Contractes, Obligations, or ſicklike Evidents, not exceeding halfe a ſheet of Paper, ... iij. ſhillings, iv. pennies.
For regiſtring of the ſame, exceeding halfe a ſheet of Paper, . . vj. ſhillings, viij. d.
The Extract thereof ſubſcribed by the principal Clerke, halfe as much.
The Tranſumpt of Evidents, or Writings, under the Seale of Office, . xiij. ſhillings, iv. pennies.
The Extracting of Proceſſe, written compactly: each leafe on both the ſides, . ij. ſhillings,
The Regiſtring of a Teſtament, containing a ſheete of Paper, . xxvj. ſhillings. viij. d.
And if it exceed a ſheet, ... xxxiij. ſhillings, iv. pennies.

Pryces ſet down to the Sherriffe-Clerkes, Steward and Baillie-Clerks, and Clerks of Regalitie: and to Clerks in Services, by Commiſſion, to be receaved by them, for all ſuch Letters, Actes, and Writs, as paſſe their Offices.

FOR a libelled precept, being formed by the Clerk, ſealed, and ſubſcribed, xiij. ſhillings, iv. pennies.
And if it be not formed by the Clerk, for the ſubſcribing and ſealing, . vj. ſhillings, viij. pennies.

For

For a precept of arreaſtment, with the ſeale thereof, ... vj. ſhillings, viij. d.
For an Act of lowſing of arreaſtment, ... vj. ſhillings, viij. pennies.
For the Act of Law-burrowes, taken at the Barre, ... vj. ſhillings, viij. pennies.
For an Act of Curatorie, with the Edict, Proceſſe, and Extract thereof, xxvj. ſhillings, viij. pennies.
For an Act of Revocation, or Renunciation, given in Writte to be regiſtrated, vj. ſhillings, viij. pennies.
And the Lords of Secreet Council expreſſely prohibite, and diſcharge, THAT no Act of revocation, or renunciation, bee receaved by Judicial compearance, without a Warrand in Writte, bearing regiſtration.
For Extract of the revocation, or renunciation, . . vj. ſhillings, viij. pennies.
For Act and precept of Continuation, in all cauſes, . . vj. ſhillings, viij. pennies.
For ane Act of *Litis Conteſtation*, with the precept of Diligence, contayning a ſheet of Paper, or within, ... x. ſhillings.
And in-caſe it be more then a ſheet, that the payment exceed not . . xx. ſhillings.
For booking and extracting of everie Decreet, within a ſheet, . . x. ſhillings.
And for every ſheet more that exceeds the firſt ſheet, written compactly, . vj. ſhillings, viij. pennies.
Providing alwayes that the decreet exceed not . . . xl. ſhillings.
How-long-ſoever the decreet be.
For a precept to poynd, eject, and remove, ... x. ſhillings.
For deducing of a Proceſſe, to ſerve a general Heire: and for extracting and ſealing the retour thereof, ... xxx. ſhillings.
For the proceſſe of a ſpecial ſervice to Landes, with the retour extracted, and ſealed thereupon, comprehending herein the opening and proclayming of the Brieves, Forming of the claymes, and all things to bee done in the proceſſe, if the lands extend to a Fourtie pound land, or within, . . iv. pounds.
And if it exeeed a Fourtie pound land, to pay . . . . xij. pounds.
For an Inſtrument of ſeaſing upon the retour, ... iv. pounds.
And if it be a Barronie, and Lordſhip of land, diſpenſing with the ſeaſing, to be taken at a place, and if the landes lye *diſcontigue*, and farre from the Sherriffes reſidence: that they exceed not . x. pounds.
For regiſtring of Letters of Horning, upon a ſimple charge, or four formes, as well in the Bookes of the Clerkes foreſaids, as in the Clerk of Regiſters Books, for every ſheet thereof . vj. ſhillings, viij. pennies.
And not to exceede . . . . . xx. ſhillings,
How long ſoever the horning be.
For Inhibitions, and Relaxations, how long ſoever they be, . . xx. ſhillings,
For every ſheet of all extracted proceſſes, which the Writter ſhall be holden to write compactly, under payne to be puniſhed, in caſe he faile, ... x. ſhillings.

Pryces ſet down to the Clerkes of the Admiralitie, to be taken hereafter for all ſuch Letters, Actes, and Writtes, as paſſe that Office.

FOR a libelled precept, being formed and written by the Clerke, and ſealed, and ſubſcribed . . . . . xiij. ſhillings, iv. pennies.
And if it bee not formed by the Clerk, for the ſubſcribing, and ſealing thereof, . vj. ſhillings, viij. pennies.
For the precept of arreaſtment, with the ſeale thereof, . . vj. ſhillings, viij. pennies.
For the Act of lowſing of arreaſtment, . . . vj. ſhillings, viij. pennies.
For an Act and Proceſs of continuation, in all cauſes, . . vj. ſhillings, viij. pennies.
For an Act of *Litis Conteſtation*, with the precept of Diligence, containing a ſheet of paper, or within, ... x. ſhillings,
And in caſe it be more then a ſheet, that the payment exceed not . . xx. ſhillings.
For Booking and extracting of every Decreet, within a ſheet of paper, . x. ſhillings.
And for every halfe ſheet more that exceedeth the firſt ſheet, which the Lords ordaine to be compactly written, ... vj. ſhillings, viij. pennies.
It is alwayes ordained, and commanded, by the ſaids Lords, That the payment exceed not . . . . . xl. ſhillings,
How long ſoever the decreet bee.

For a precept to poynd, ... x. ſhillings.
For every ſheet of all extracted Proceſſes, which the Writer ſhall be holden to write compactly, under the pain to be puniſhed, in caſe he faile, ... x. ſhillings.

Prices ſet down to the Keepers of the Secretaries Regiſter, to be taken hereafter, for all ſuch Letters as paſſe that Office.

THE Lords of Secret Council and Seſſion, command, and Ordain the Clerks, Keepers of the ſaids Regiſters of the Secretary, That they and every one of them, conform themſelves in their Prices, to the Acts of Parliament, made anent the prices of ſuch Letters and Writtes, as paſſe through their Regiſters: And that they in no wayes preſume to exceed the ſaids prices, under the pain of deprivation.

Prices ſet down unto the Clerks within Burgh, to be taken hereafter, for all ſuch Letters, Actes, and Writtes, as paſſe the Office of common Clerkſhip within Burgh.

THE claime of debt, in matters of ſmall importance, . . xii. pennies.
The Act of Court, The firſt day, and all Acts, before *Litis Conteſtation*, . viii. pennies.
The Act of Interloquutor, or *Litis Conteſtation*, . . . xii. pennies.
The Acts of probation, *uſque ad ſententiam* . . . xii. pennies.
The Extract thereof, for calling the action, and warning the partie, and Witneſſes, . . xii. pennies.
The ſentence pronouncing in ſmall cauſes, . . . ii. ſhillings.
And in great cauſes not to exceede . . . vi. ſhillings, viii. pennies.
The Extract thereof, ... vi. ſhillings, viii. pennies.
In great cauſes, exceeding xl. pounds.
the claime being made by libelled precept, for every precept forming, and ſubſcribing, vi. ſhil. viii. pen.
The Acts thereof, ... xii. pennies.
The Act of Interloquutor booking, ... xii. pennies.
The Extract thereof, ... iii. ſhillings, iiii. pennies.
The ſentence pronouncing and booking, . . vi. ſhillings, viii. pennies.
The extract of each ſheet thereof, compactly written, . vi. ſhillings, viii. pennies.
All the Acts in the Proceſſe: every act . . . xii. pennies.
The precept of poynding, ... ii. ſhillings.
The booking of Goods compriſed by Officers, . . vi. ſhillings, viii. pennies.
The Proceſſe of compriſing of Lands, or Annuel-rents, each ſheet compactly written, viii. ſhill. viii. pennies.
Every act thereof, ... xii. pennies.
Every claime of Injury, which paſſeth not unto an Aſſyſe, but witneſſes examinate thereupon, xii. pennies.
Every Dittie of ſtroakes, and blood, . . . xii. pennies.
The depoſitions of Witneſſes: every perſon . . . xii. pennies.
Commiſſion for examination of Witneſſes, direct to other Judges, . vi. ſhillings. viii. pennies.
For proclaiming of the Brieve, . . . vi. ſhillings, viii. pennies.
For indorſing of the Brieve, . . . iii. ſhillings, iv. pennies.
For making of the claime in a general ſervice, . . iii. ſhillings, iv. pennies.
For making of the claime in a ſpecial ſervice, . . vi. ſhillings, viii. pennies.
For the acts of objecting, and replies, . . . xii. pennies.
For booking and extracting of a general ſervice, and directing of the retour, . xx. ſhillings.
For booking and extracting of a ſpecial ſervice, and directing of the retour, for a tenement, xxx. ſhillings.
For two tenements, ... xl. ſhillings.
And if there be moe tenements, the whole payment not to exceede, . . iii. pounds.
For an Inſtrument of ſeaſing upon a general ſervice, . . . iii. pounds.
For an Inſtrument of ſeaſing upon a ſpecial ſervice, . . . iv. pounds.
A Charter of Alienation, ... xl. ſhillings.
And for every Land moe than one contained in the Charter, . vi. ſhillings, viii. pennies.
Providing that the whole payment exceed not . . . iii. pounds.
A Procuratory of reſignation, ... xxx. ſhillings.
And for each land moe than one contained in the Procuratory, . vi. ſhillings, viii. pennies.
And the whole payment not to exceed . . . xlvi. ſhillings, viii. pennies.
An Inſtrument of Reſignation, ... iii. pounds.
A Contract of Alienation, containing a ſheet of paper, . . xx. ſhillings.
And for every ſheet moe than one, . . . x. ſhillings.

The

The Regiſtring of every ſheet thereof,	x. ſhillings.
The extract and ſubſcribing of every ſheet,	x. ſhillings.
For a Reverſion, written upon parchment,	xl. ſhillings
And in-caſe of moe lands, not to exceed	liij. ſhillings, iv. pennies
The booking and extracting of every ſheet of whatſoever contract,	x. ſhillings
Charter parties of each partie of two,	vj. ſhillings, viij. pennies.
Indentures of each partie of two,	vj. ſhillings, viij. pennies.
Booking of Prentiſes,	ij. ſhillings.
The Extract thereof,	ij. ſhillings.
Act of Creating of a Burgeſſe, and Extract thereof,	xij. ſhillings.
The Guilde Ticquets,	xij. ſhillings.
The Entry of Ships and Boates, and extract thereof,	iij. ſhillings, iv. pennies.

THE LORDES Of Secret Council, and Seſsion, Ordaines and commandes, That no Proceſſe be granted before inferiour Judges in the firſt ſummonds: but upon libelled Precepts, and Citation of fifteen dayes warning conforme to the Act of Parliament.

And Ordaines theſe preſents to be publiſhed, and Imprinted.

ATTOUR OUR SOVERAIGNE LORD, with conſent foreſaid, hath [*ſimpliciter*] diſcharged the whole Subjects and Lieges of this Realme, of all ſuch by-gone penalties, unlawes, and puniſhments, which they, or any of them have incurred through breaking and violating of the ſaid Act of Counſil in any time by-gone, preceeding the date hereof: and decernes the ſame, to be of ſtrength, force, and effect, againſt the tranſgreſſours thereof, in all time comming only.

AND FURTHER, OUR SOVERAIGNE LORD, with conſent foreſaid, Giveth, and granteth, full power and commiſſion, unto the Lords of His Highneſſe Privie Counſil, To take order for ſetting downe and appoynting of ſuch particular prices, as are omitted to be ſet downe by the ſaid Act of Counſil. And whatſoever the ſaids Lords of Privie Counſil, ſhall determine and ordaine in the premiſſes, Decernes the ſame to have the ſtrength and force of ane Act of Parliament, in all time thereafter.

ACT XX.

Act, ordaining Annual-rent to be due after Horning.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, conſidering the great prejudice which diverſe of His Majeſties Lieges ſuſtaine by the want of their money, lent and given foorth upon Band, or Contract, or otherwiſe juſtlie owing unto them, by their Debtors: who having uſed all Execution competent to them by Lawe, againſt their debtors, by charging, and putting of them to Horne: are forced, after many yeares, to receave their principal ſumme and penaltie, without any ſatisfaction of their annuel-rent, and intereſſe of their money in the meane time. Which as it is a prejudice unto the true Creditors; ſo it is ane occaſion to the debtors to contemne His Majeſties charges, and Letters of Horning: who reſolve in end to pay no more for reliefe of the Horning, after many yeares delay, then they were obliſhed unto at the beginning.

FOR remeed whereof, His Majeſtie, with advice and conſent of the Eſtates of Parliament, ſtatuteth and ordaineth, That whenſoever any perſon is denounced Rebel, and put to the Horne, for not payment of ſummes of money, owing by him, by band, contract, or otherwayes: That after the ſaid denounciation, the ſaid perſon ſo denounced, ſhall be ſubject in payment of Annuel-rent for the ſaids ſummes for the which he is put to the Horne, and that of all yeares and tearmes from the date of the ſaid denounciation, unto the time of payment of the ſame: and that notwithſtanding there be no paction, nor condition of Annuel-rent made betwixt the ſaids parties, which may binde the ſaid partie who is denounced rebel, unto the payment thereof. And ſuch perſons as are now ſtanding rebels, and at the Horne, This Act ſhall not worke againſt them, (*quoad preterita*,) But ſhall have ſtrength and force againſt them in time comming, from the Feaſt of Martinmeſſe next in this inſtant yeare of GOD, one thouſand, ſixe hundreth, twentie and one yeares: and they ſhall begin to be ſubject in paymentof annuel-rent at that time, and yearly and tearmly thereafter, until the payment of the principal ſumme.

ACT XXI.

Anent Servants, going lowſe, and leaving their Maſters ſervice.

OUR SOVERAIGNE LORD, And ESTATES of Parliament, underſtanding the great ſtraytes and neceſſities, whereunto poore Labourers of the Ground are driven, and conſtrayned; Eſpecially by the fraud and malice of Servants, who either refuſe to be hyred, without great and extraordinarie Wages promiſed unto them: Or otherwiſe hyre themſelves only from Martinmeſſe to Whitſonday:

after the which Tearme of Whitſonday, they caſt themſelves lowſe, of purpoſe and intention, to make their gaine and advantage by the extraordinary workes which befal in that ſeaſon, betwixt Whitſonday and Martinmeſſe: ſuch as caſting and winning of Peats, Turfs, Fewel, Divots, building of fold dykes, ſhearing in the harveſt. For doing whereof, they know the ſaids Husband-men, who have neceſsarily adoe therewith, will be forced to hire them at daily and weekly wages, and ſuch high rate as they pleaſe, to the great harme of the Labourers of the Ground, and all his Majeſties ſubjects.

FOR remeede whereof it is ſtatuted, and ordained, That it ſhall not be lawful for any hired ſervant, from Martinmeſſe to Whitſonday, to leave his Maiſter at the ſaid tearme of Whitſonday, and to runne lowſe from that ſervice: Except he be able to verifie to the Juſtice of Peace, or Conſtable of the bounds, that he is hyred unto another Maſter, from the ſaid Feaſt of Whitſonday to Martinmeſſe thereafter. And if it be found, that he is not hyred to another Maſter: Then, and in that caſe, it is declared, That it ſhall be lawful unto his preſent Maſter to keep, and detain him, from the ſaid Feaſt of Whitſonday unto Martinmeſſe, for payment to him of ſuch Wages as he payed to him of before. And if he refuſe to ſerve, that the Juſtice of Peace ſhall have power to compel him thereunto. And if the ſaid ſervant of the quality foreſaid, break lowſe from his Maſter, It ſhall be lawful for his maſter to take and apprehend him, whereſoever he findeth him, and preſent him unto the Conſtable, or Juſtice of Peace, upon the ground where he ſhall be found; who ſhall have power to compell the Servant to return unto his former Maſter, if it be found that he be Maſterleſs, and none otherwayes.

AND ſuch like, His Majeſty, and Eſtates, findes, and declares, That it ſhall be lawful unto all his Majeſties Lieges, who have neceſsarlie adoe with Labour, to take, apprehend, and imploy, in their Works, whatſoever lowſe and Maſterleſse Men and Women, whom they ſhall find within their own Bounds. And ſuchlike, that the Juſtices of peace, and Conſtable, ſhall have power, at the inſtance and deſire of whatſoever perſon His Majeſties Lieges, to force, and compell all, and whatſoever lowſe Men and Women, to ſerve for competent hyre and Wages.

ACT. XXII.

Anent Counterfeiting, and making of falſe Writtes.

FOR Eſchewing the danger wherein many of his Majeſties Lieges ſtand, by counterfeiting and falſifying of Evidents: IT IS ſtatuted and Ordained, That whoſoever maketh and uſeth a falſe Writ, or is acceſſory to the making thereof, ſhall be puniſhed with the paines due unto committers of Falſe-hood. AND it ſhall not be lawful for any perſon counterfeiter, falſifier, or acceſsory whatſoever, to declare in judgement, that he paſseth from the Writ, quarrelled of Falſe-hood. * But if after the tryal, the Writ quarrelled be found falſe, the paſſing from, or declaration of the party, that he will not uſe the ſame, ſhal no wayes free him from the puniſhment which is due unto thoſe who commit Falſe-hood.

ACT. XXIII.

A general pardon for deedes done againſt penal ſtatutes, (ſome few excepted) and a diſcharge of James Cranſton *his Commiſſion.*

OUR SOVERAIGNE LORD, and Eſtates of this preſent Parliament, conſidering the complaint made by the Barrons, Sherriffs, Stewards, Bailies, and other Free holders within this Kingdom, concerning the danger which all our Soveraigne Lords Lieges do daily underly, for having tranſgreſſed penal Statutes, which have a Pecunial, or arbitrary paine adjected thereunto: And the great hurt and prejudice ſuſtained, by granting Commiſſions unto private perſons, for execution of the ſame ſtatutes, which have been uſed amongſt the common people, at ſundry times, with intollerable rigour, and exaction, of before: HAVE diſcharged, freely pardoned, and remitted: DISCHARGES, freely pardons and remits, all contraveeners of any of the ſaids penal ſtatutes, for all deeds done by them contrary to the tenor of the ſame ſtatutes, in times by-gone. Except only the ſtatutes concerning wearing and bearing of Hagbuts and Piſtolets: Taking of unlawful Uſury: Tranſporting of Money and Gold: and ſlaying of red and black Fiſh: Which are no wayes diſcharged by this preſent Statute, nor comprehended hereintill.

AS ALSO, Our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates, Statutes, and declares, That hereafter Commiſſion for putting of penal Statutes to execution, ſhall only be granted to honeſt men, of good quality: who ſhall be ſufficiently authorized by the Lords of the Secret Council, for diſcharging of their Office. And abſolutely diſcharges in time comming, *James Cranſton*, his Deputies, or Officers, to call, or conveene any perſon or perſons, for ſlaying of red or black Fiſh. And from henceforth declares, The power of his Commiſſion granted unto him for that effect, to be quite extinguiſhed and aboliſhed.

ACT

ACT. XXIV.

Anent Evidents paſt the great Seal, which are not Regiſtrated.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, underſtanding, That there are ſundry Infeftments, and other Writtes, Which paſſe his Highneſs Great Seale, That in time by gone, after the expeding thereof, and appending of the Seale thereunto: Have, through the overſight, and negligence of the Receivers thereof, in the not returning of the ſame to the Director of His Highneſs Chancellary, and his Deputies, Been omitted, to be regiſtrated in their Books and Regiſters appointed for that effect. And conſidering, that the not regiſtration of the ſame Infeftments and Writs, tendeth to the great hurt and prejudice of the perſons unto whom the ſame are granted, and perraine.

THEREFORE, Our ſaid Soveraign Lord, and Eſtates of Parliament, for remeed hereof, ſtatutes and Ordains, THAT in time comming, when any Infeftment, or other Writ, or Evident, which paſſeth his Highneſs Great Seale, ſhall be formed and written by the Director of his Highneſs Chancellary, or his Deputies. The ſame after the writing thereof, ſhall be delivered by them unto the party, In-giver of the ſaid Infeftments, or others Writtes foreſaids: To the effect he may get his Highneſs Great Seale thereunto appended. At the Delivery whereof, the party receiver of the ſame, ſhall only be holden and aſtricted to pay at that time to the Director of the Chancellary, or his Deputes, That one half of the prices allowed unto him by the Book of Rates for writing of Evidents to the Great Seale: And that only in conſideration of the paines taken in forming and writing of the ſaids Writs and Evidents, without paying beforehand the other half of the ſaids prices, which hereby is appointed to be reſerved unpayed, while the ſame be regiſtrat in manner after mentioned. Which Infeftments and Evidents being delivered to the Keeper of the great Seale, and he having appended the ſame Seale thereunto, and being ſatisfied of the price due to him therefore: Ordains the Keeper of the Great Seale, to return, and redeliver the ſame Infeftment, or other Writ foreſaid, ſo ſealed by him back again, to the Director of his Highneſs Chancellary, or his Deputies: To the effect the ſame Infeftments, Evidents, or other Writs foreſaids, may be regiſtrated by him in the Regiſters, and Books appointed for that effect. Which being ſo regiſtrated, Ordains the Director of his Highneſs Chancellary, and his Deputies, to deliver the ſame to the party: He being ſatisfied of the other half of the price foreſaid, retained by the party, and unpayed by him, at the time of the writing of the ſaids Evidents to the Great Seale, as due for the Regiſtration thereof, in manner above written.

AND ALSO, Our ſaid Soveraign Lord, ſtatutes and ordains, all and whatſoever perſons, who have any Infeftments, Writs, or Securities, grauted unto them, and already paſt the Great Seale, and which are not as yet regiſtrated, to returne the ſame back again, unto the Director of his Highneſs Chancellary, within the ſpace of a yeare after the publication of this preſent Act: To the effect the ſaids Infeftments, and Writs, may be regiſtrated by the ſaid Director of his Highneſs Chancellary, and his Deputies: and that (*gratis*) and without any payment to be given unto him therefore.

ACT. XXV.

Anent Banqueting, and Apparel.

OUR SOVERAIGNE LORD, and ESTATES of Parliament, conſidering, the great hurt comming unto this Country, by the ſuperfluous uſage of unneceſſary ſumptuouſneſs in Meat, Apparel, and otherwayes: and that by all ſorts of people, promiſcuouſly, without diſtinction of perſons, of ranks or quality. For repreſſing of the ſaid abuſe in time comming, Do ſtatute and Ordaine, THAT None of Our Soveraigne Lords Lieges, of whatſoever quality or degree, ſhall weare any cloathing of Gold or Silver Cloathe, or any Gold or Silver Lace upon their Apparels, or any part of their Bodies hereafter. And that no manner of perſon ſhall have any Apparel of Velvet, Sattin, or other Stuffs of ſilke, except Noble-men, Lords of Parliament, Prælates, His Majeſties Counſellers, Lords of Seſſion, Barrons of quality, having of free yearly rent fourſcore Chalders Victual, or ſix thouſand Merks of ſilver: and the Proveſts of the principal Burrows within this Kingdom, or thoſe who have been Proveſts: with ſuch alſo as ſhall happen to be, or have been, Proyeſts, Bailies, Deans of Guilde, and Theſaurers, within the Towne of *Edinburgh*: excepting alſo Rectors of Univerſities.

AND IT IS ſtatuted, and Ordained, That theſe perſons which are permitted to weare the ſaid Apparelling of Silke, ſhall no wayes have Embroydering, or any Lace, or Paſſements upon their cloathes: except only a plain Welting Lace of Silke upon the Seames, or borders of their Cloathes: with Belts, and Hat-bands embroydered wtth ſilke: and ſuch-like, that the ſaid apparel of ſilke be no wayes cut out upon other ſtuffes of ſilke: except upon a ſingle Taffatie. AND, that the Wives of the ſaids priviledged perſons, their

their eldeſt ſonnes, and eldeſt daughters unmarried, and the children of all Noble Men, be licentiate to weare their apparel in manner aforeſaid only, under the paine of a thouſand pounds, *Toties, quoties.*

2. ITEM, That no perſon, of whatſoever degree, ſhall have Pearling, or ribbening upon their Ruffes, Sarkes, Napkins, and Sockes: Except the perſons before priviledged. And the Pearling and Ribbening to be ſo worne by them, (if any be) to be of thoſe made within the Kingdome of SCOTLAND, under the payne of ane hundreth poundes, *toties, quoties.*

3. ITEM, That none weare upon their Heads, or Buſkings, any Feathers. And notwithſtanding, it is permitted, That any perſon may weare Chaines, or other Gold-ſmiths worke, having no ſtones, nor pearles, within the ſame. And that no perſon weare any pearles, nor precious ſtones: Except the perſons before priviledged: under the payne of a thouſand Marks, to be payed by the contraveeners, *toties, quoties.*

4. And it is ſtatuted, That no perſon, nor perſons, (Except the priviledged perſons foreſaids) weare Launes, or Cambricke. And that no perſon whatſoever weare upon their bodies, Tiffinies, Cobwebbe-Launes, or Slyres, under the paine of ane hundreth poundes, *toties, quoties.*

5. Nevertheleſſe, The Kings Majeſtie, Prince, and their ordinarie Houſe-holde ſervants, are exeemed from this Act, and all the clauſes thereof.

6. It is moreover ſtatuted, That no ſervants, Men or Women, weare any clothing, except thoſe that are made of Cloath, Fuſteans, Canvas, or ſtuffes made in the countrey. And that they ſhall have no ſilk upon their cloathes: Except ſilke Buttones, and Button holes: and ſilk Garters, without pearling, or roſes, under the paine of ane hundreth Markes, *toties, quoties.*

7. It is alwayes declared. That it may be lawful for them to weare their Maiſters, or Miſtreſſes old cloaths.

8. It is hereby ordained, That no cloathes bee guilded with Gold.

9. It is alſo declared, That Heraulds, Purſevants, and likewiſe Trumpetters, be exeemed from this Act.

10. ITEM, it is ſuch like ſttatuted, That Minſtrels be exeemed.

11. IT IS farther ſtatuted, That none, except the Priviledged perſons foreſaids, uſe Damaſke Naprie, brought from beyond ſea, under the paine of ane hundreth pounds, *toties, quoties.*

12. IT IS likewiſe ſtatute, that no moe deule weedes be made at the death of any Earle, or Counteſſe, but twentie foure at the moſt: Or for ane Lord of Parliament, or ane Lords wife, but ſixteene only, and for all other priviledged perſons before named, twelve at the moſt: And that none (except the priviledged perſons) have any honours carryed, and theſe according to their qualities; and that no deule weeds be given to Heraulds, Trumpetters, or Saullies, Except by the Earles and Lords, and their wives. And the number of the Saullies to be according to the number of the deule weedes, under the paine of ane thouſand pounds, *toties, quoties.*

13. IT IS ſtatuted, that the faſhion of Cloathes now preſently uſed, beenot chaunged by Men or Women, and the wearers thereof: under the paine of forefaultrie of the cloathes, and ane hundreth pounds, to be payed by the wearers, and as much by the makers of the ſaids cloathes, *toties, quoties.*

14 It is ordained, That no Caſtor Hats be uſed nor worne, but by the priviledged perſons: under the paine of ane hundreth poundes, *toties, quoties.*

15. It is further inacted, That no cloathes ſhall be made after the publication of this Act, but according to the manner and condition before expreemed. And that none of the former diſcharged Cloathing be worne by no perſon after Martinmeſſe, the yeare of GOD, one thouſand, ſixe hundreth, twentie, and three yeares: under the paines [*reſpective*] above ſet downe, *toties, quoties.*

16. ITEM, It is ordained, That the Huſband-men, and Labourers of the Grownd, weare no cloathing but Graye, White, Blew, and ſelſe Black Cloath. made in SCOTLAND: And that their Wives and Children weare the like: under the paine of fourtie poundes, *toties, quoties.*

17. IT IS further ſtatuted and ordained, That no perſon uſe any manner of Deſert of Wette and dry Confections, at Banquettings, Mariages, Baptiſmes, Feaſtings, or any meales: Except the Fruites growing in SCOTLAND: As alſo Figs, Raiſins, Plumbe-damies, Almondes, and other confected fruites: under the paine of a thouſand Marks, *toties, quoties.* Excepting ſuch like the uſe of the foreſaids forbidden con-

confections to be lawful for the entertainment of His Majeſtie, Prince, and their Traines, being within the countrey, and for Ambaſſadours, or ſtrangers of great qualitie.

18. And it is ſtatute moreover, That no perſon of whatſoever qualitie, uſe any Feaſting at Burials, or offer of other Meats, except bread and drinke. As Like-wiſe, no perſon uſe any eating or drinking at Night-wakings, or Licke-wakes: under the paine of a thouſand Markes. *toties, quoties,*

ACT. XXVI.

Anent Thaicking of Houſes in Edinburgh, with Sklaite and Skaillie.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, conſidering that ſundrie perſons of meane qualitie, acquire unto themſelves the heretable right of ſundrie ruinous Landes, and Waſtes, within the Towne of *Edinburgh*. And for want of meanes to build the ſame ſufficiently, thaickes the ſame with ſtrawe, and Deales, whereby the Landes next adjacent unto the ſame, builded upon the great charges and expences of the Heretors, are often-times brought in great hazard, and ſometime to decay, in time of ſudden Fyre. THEREFORE, and for further decoration of the ſaid Burgh, being the Head-Burgh of this Realme, OUR SOVERAIGNE LORD, with conſent of the ſaids Eſtates, ſtatutes and ordaines, That in all time to come, no manner of perſon, or perſones, ſhall be ſuffered, or permitted to builde any houſes within the ſaid Burgh of *Edinburgh*: But ſuch as ſhall be covered With Sclaite, or Skallie, Lead, Tylde, or Thacke-ſtone. AND alſo, ſtatutes, and ordaines, That the Heritors of ſuch houſes as are already thaicked with Thack and Straw, (if the ſame Thacke, and Straw-Roofs, ſhall hereafter at any time become ruinous) ſhall be aſtricted to thaick the ſame againe with Sklaite, or Skaillie, Lead, Tylde, or Thacke-ſtone. AND Ordaines, Letters of Horning to be directed here-upon, againſt the Heritors of the ſaids lands, in forme as effeires. AND ſuch-like, Ordaines the Proveſt and Baillies of the ſaid Burgh, To put this Act to Execution.

ACT. XXVII.

Anent Compryſing from apparent Heyres, extended as well unto Mens owne debts, as their Predeceſſors.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, Ratifies, approves, and confirmes, the 106. Act of the ſeaventh Parliament of King JAMES the fifth, of worthy memory: Intituled [*The Creditor may purſue him, who is charged to enter, and entreth not,*] in all the Heads, Articles, and Clauſes thereof. With the addition and explanation following: THAT the ſame ſhall be extended unto Debts owing by any perſon himſelfe, as well as to thoſe which are addebted by his predeceſſors. For the which debt, it ſhall be as lawful for a Creditor, to charge any perſon to enter Heir to his predeceſſor, and with the like certification, as if the predeceſſor had been debtor thereintil. Where-upon compriſing may follow in manner ſpecified, in the ſaid Act.

ACT. XXVIII.

Anent taking of Annuel-rent before hand, to be Uſurie.

OUR SOVERAIGNE LORD, and ESTATES of this preſent Parliament, conſidering, that notwithſtanding Uſurie, and taking unlawful Annuel, more then ten for each hundreth, hath been by ſundry Actes of before diſcharged, and forbidden: Yet it hath been uſual, by ane evill and corrupt cuſtome, to take, or retaine, the Annuel-rent, the time of the borrowing the Money: Which in effecte is eleven of each hundreth, at leaſt. For Avoyding whereof, ſtatutes, and ordains, That no perſon, who lendes, or gives out money, and receaves Annuel therefore, ſhall retaine the time of the lending, exact, crave, or receave, from their Debtors, the Annuel of their lent ſummes, until the tearme of payment appoynted by their Bandes, be firſt come. And it ſhall be lawful, at the time of lending of Money, and making of Bands, to adde the annuel unto the principal ſumme: providing alwayes, neither principal nor annuel be exacted, or craved, before the tearme of payment appoynted to the ſaid Band. And the contraveeners of this preſent ſtatute ſhall be puniſhed as unlawful Uſurers.

ACT XXIX.

Ratification of the Act of Secret Council, Againſt Backſters, Browſters, Fleſhers, and Candle-makers of Edinburgh.

OUR SOVERAIGNE LORD, With advice and conſent of the ESTATES of this preſent Parliament, By the Tenor hereof, Ratifies, Approves, and confirmes, The Act of the Secret Council, of date the ſeaventeenth day of Februarie, one thouſand, ſixe hundreth, and eighteene yeares: Made and ſet downe, by his Majeſtie, with conſent of the Lords of His Highneſſe Secret Council, againſt the Backſters, Browſters, Fleſhers, Candle-makers, and others therein contained, In-dwellers within *Edinburgh*: With the publication and proclamation following thereupon, In all, and ſundrie heads, poynts, paſſages, circumſtances, and others, ſpecified there-intil: conforme to the Tenor thereof, in all poynts. AND Willes, and Declares, The ſame to have beene, in all time by-gone, ſince the making and publication thereof: And to be, and ſtand, in all time comming, good, valiable and effectual in it ſelfe: and to have the due benefite, and execution thereof, conforme thereunto: Againſt all who have tranſgreſſed: or ſhall happen to tranſgreſſe, and contraveen the Tenor of the ſame. Whereof the Tenor followeth.

Apud Edinburgh, decimo ſeptimo Die *Menſis Februarii*, Anno *Domini Milleſimo, Sexcenteſimo, decimo octavo.*

FOR AS MUCH, As The Kings Majeſtie, And Lordes of His Privie Council, Conſidering the dangerous and fearful abuſe, which hath beene of continuance theſe many yeares by-gone, within the Burgh of *Edinburgh*, by the Tollerance, Connivance, and over-ſight, which hath beene given unto Backſters, Browſters, and others, to builde, and keep ſtackes of Hather, Broome, Whinnes, and other Fewel, in the heart of the ſaid Burgh, and in the Vennalles and Cloaſſes of the ſame: where ſundrie of His Majeſties good ſubjects, Inhabitants of the ſaid Burgh, have, with great charges and expences, builded many goodly Houſes and buildings: to the credit of the ſaid Burgh, and for the policie and decoration of the ſame. By the which ſtackes of Hather, Broome, Whinnes, and other Fewel, builded, and keept, within the ſaid Burgh, not onely are the neighbours of the next adjacent parts thereunto, holden in continual feare, and dreadour, and are in very great hazard, and danger, if either by negligence, or wilful malice, (as GOD forbid) Fire ſhould be ſet in the ſaids ſtackes: as fell out by the fyring of ſome ſtackes in Peibles Wynde, in the 1584. yeare of GOD: But a great number of people, who are inclined, and diſpoſed, to beſtow ſome part of their Eſtate upon building within the ſaid Burgh, are with-holden there-from, for feare of the ſaids ſtackes. And beſides this abuſe, which is both fearful, dangerous, and hath produced many inconveniences, and great skaith, from time to time, to the ſaid Burgh: there is another ſhameful abuſe there-in: which although it be not altogether ſo fearful and dangerous as the other, yet it is noyſome to the whole civil and honeſt Neighbours, and to all the Nobilitie, and Countrie people, which come hither for their privat adoes: And with that, it is deteſtable in the ſight of ſtrangers, corrupteth the aire, and carrieth many diſgraceful and ſhameful imputations againſt the ſaid Burgh, as being a puddle of filth and filthineſſe: To wit, the over-ſight which is given unto Candle-makers, to keepe their ſhoppes and houſes where they melt their Tallone, and Cracklinges, within the Heart of the ſaid Burgh: And to Fleſhers, to keep their Slaughter-ſhoppes within the Towne, and to tuime the filth of the ſlaughtered Goods upon the high Streets, and in open Vennalles, and Cloaſes: whereby it often times falleth out, that in many ſtreetes and Venalles of the ſaid Burgh, the filth of ſlaughtered Goods is in ſuch aboundance expoſed unto the view of the people: and the cloaſſes and ſtreetes are ſo filled therewith, as there can no paſſage be had thorow the ſame. FOR removing of the which two abuſes, ſo dangerous and diſgraceful to the ſaid Burgh, The Kings Majeſtie, with advice of the Lords of His Secret Council, hath reſolved, concluded, commanded, and ordained, That from the firſt day of May next to come, there ſhall be no ſtackes of Hather, Broome, Whinnes, nor other Fewal, kept nor ſuffered to bee in any of the Venalles, Wyndes, or Cloaſſes of the ſaid Burgh, nor within Houſes, nor upon the ſtreetes of the ſame: and that no Fleſhers ſhall be ſuffered, by themſelves, their ſervants, or others in their names, to keep any ſlaughter-houſes within this Burgh, nor in any Wynde, Cloaſſe, or vennal of the ſame: nor to tuime the bloode, and filth of their ſlaughtered Goodes upon the ſtreetes, or in Cloaſſes, or in Vennalles: Nor that no Candle-makers keep their melting Houſes within the ſaid Burgh: But that the ſaids ſtackes of Hather, Broome, Whinnes, and other Fewel, ſhall be carried, and ſet at ſome remote partes of the ſaid Burgh, beſide the Portes, Walles, or North-loch-ſide, where there are no Houſes. And that the ſaids Fleſhours ſhall provide themſelves of ſlaughter-houſes, at the North-loch-ſide, where they may have the uſe of the water for the away taking of the filth of their ſlaughtered goodes. And that the Candle-makers provide themſelves of houſes, for melting of their Tallone and Cracklinges, at ſome remote partes of the Towne, from the common-ſtreetes, cloaſſes, and Vennalles of the ſame: AND ordaines Letters to bee directed, to make publication hereof, by open proclamation, at the Market-Croſs of *Edinburgh*; where-throw none

pretend

pretend ignorance of the ſame: and to command, charge, and inhibite, all and ſundry perſons, Inhabitants within the ſaid Burgh, of what Trade or Calling ſoeyer they bee: That they, or none of them, nor none by their command, and direction, Found, build or keep any ſtackes, or ruckes of Hather, Broome, Whinnes, or other fewel, within any of the Cloaſſes, Vennalles, or waſte places of the ſaid Burgh, nor within their houſes: And that they remove the ſtackes which they already have, and build the ſame at ſome remote places, about the portes and walles of the ſaid Burgh, where there are no houſes, or at the North-Loch-ſide: betwixt & the ſaid firſt day of May, next to come: under the paine of confiſcation of the ſame Hather, Broome, & Whinnes, ſo to be ſtacked, againſt the meaning and intent of this Act, and further: under the paine of five hundreth poundes, to be payed by them, ſo oft as they ſhall happen to fayle. And ſuch like, to command all and ſundry Fleſhours, Inhabitants within the ſaid Burgh, that they prepare themſelves of Slaughter-houſes, at the North-Loch-ſide: where they may have the commoditie of water for their uſe; and that they in no wiſe preſume, nor take upon hand, after the ſaid day, to ruinne the filth, or blood of their ſlaughtered Goods upon the ſtreetes, nor in the vennalles, cloaſſes, and wyndes of this Burgh. As alſo, To charge all Candle-makers, That they, betwixt and the day foreſaid, provide themſelves of houſes, for melting of their Tallone, and Cracklings, at ſome remote partes of the Towne, from the common-ſtreetes, cloaſſes, and vennalles of the ſame: under the paine of five hundreth poundes money, to be incurred by every perſon, Fleſhour, or Candle-maker, ſo often as they ſhall faile. AND ſuch like, to command, and charge the Proveſt and Baillies of Edinburgh, That they have a ſpecial care and regarde, to ſee this preſent Act to be preciſely and inviolably keept: as they will anſwere to His Majeſtie, and the ſaids Lords, upon the ductiful diſcharge of their Office.

ACT. XXX.

Act reſtrayning the buying and ſelling of certaine Wylde Fowles.

OUR SOVERAIGNE LORD, with advice and conſent of the ESTATES of Parliament, conſidering the great abuſe and libertie, which hath beene uſed theſe divers yeares by-gone, by the ſubjects of this Realme, in buying and ſelling of wylde fowles, of the particular ſpecies following: to wit, Of Pouttes, Partriekes, Muire-foules, Blacke-cockes, Gray-hennes, Termigantes, Quayllies, Caper-kayllies, &c. For reſtrayning of which abuſe in time comming, OUR SOVERAIGNE LORD, with advice and conſent foreſaid, ſtatutes and ordaines, That no perſon whatſoever within this Realme preſume, nor take upon hand, to buy nor ſell, at any time hereafter, any Wylde-fowles of the ſpecies foreſaids, under the paine of ane hundreth pounds money, to be incured by the contraveener thereof, buyer or ſeller. AND Ordaines this preſent Act to have the ſtrenth and force of ane Act of Parliament, to be inviolably obſerved in all time hereafter, aye, and whille the ſame be lawfully diſcharged, or altered.

ACT. XXXI.

Anent Hunting, and Haulking.

OUR SOVERAIGNE LORD, And ESTATES of this preſent Parliament, ſtatutes and ordaines, That no man Hunt nor Haulk at any time hereafter, who hath not a Plough of land in Heritage, under the paine of ane hundreth pounds. ORDAINES His Majeſtie to have the one halfe of the penaltie of the Contraveeners of this preſent Act: and the Dilator to have the other halfe of the ſaid penaltie.

ACT XXXII.

Anent the harrying of Haulke Neſts, and hunting in Snow.

OUR SOVERAIGNE LORD, And ESTATES of this preſent Parliament, Ratifies, and approves the Act of Parliament, made by King JAMES the Third of worthy memorie, in the ſeaventh Parliament, anent the unlaw of ſtealing of Haulkes, Houndes, Partrickes, and Duickes: in all and ſundry points, heads, artickles, and clauſes thereof: With this addition, that the paine and penaultie of ten pounds therein contained; SHALL BEE Now in all time comming augmented againſt the contraveeners of the ſaid Act: under the paine of ane hundreth pounds money of this Realme. AND ALSO, ratifies, and approves, all Actes of Parliament, made of before by His Majeſties moſt Noble Progenitours, anent the ſlaying and hunting of Hares, Does, and Rhoes in time of ſnow: And ſtatutes, and ordaines the paine and penaltie againſt the contraveeners thereof: to be under the paine of ane hundreth pounds money (*toties, quoties*) as they ſhall happen to contraveen the ſame. And ordaines the one halfe of the paine to be incurred by the contraveeners of this preſent Act, to be given to His Majeſtie: and the other halfe to the perſons Dilators of the contraveeners of the ſame.

ACT. XXXIII.

Salvo Jure Cujuslibet.

FOR AS MUCH, As in this preſent Seſſion of Parliament, there are many Ratifications and Acts, in favours of particular perſons paſt; wherein diverſe and new Clauſes are inſert, which may be prejudicial to particular parties rights, and derogative unto many and ſundry Lawes lawfully made, and eſtabliſhed of before: albeit the meaning of the Eſtates be at this time, as it was ever in all preceeding Parliaments, That by no Act of Ratification, or Act granted unto any particular perſon, any other party ſhould be hurt or prejudged. For remeed whereof, it is ſtatuted and ordained, That no Ratification, nor other Act, made in favours of any particular perſon, ſhall be prejudicial to any private parties right: But that the ſaids Ratifications and Acts, made in favours of particular perſons, be alwayes underſtood, *Salvo Jure Cujuslibet.*

THE PRINTED
ACTS AND LAWS
Paſt in the XXIII. PARLIAMENT.

1 A *Ratification of the five Articles of the General Aſſemblie of the Kirk, halden at* Perth *in the Moneth of Auguſt*, 1618.
2 *Anent the Taxation granted to his Majeſtie, of xxx. ſhillings Tearmlie, upon the pound Land; and the twentie pennie of all annuel-rents.*
3 *Anent the Collecting and in-bringing of the Taxation, and reliefe to Prelates.*
4 *Ane Act of Ratification in favour of the* Prince *his Highneſs.*
5 *Anent the plantation of Kirks, as yet unplanted.*
6 *Act anent compryſings.*
7 *Anent Adjudications.*
8 *Anent the Extractes of Infeſtments, paſt upon Compryſings, forth of the Privie Seale: where the ſame are not regiſtrate at the Great Seale.*
9 *Anent giving of Licence to Biſhops, to ſet their Ward lands in Few-ferme.*
10 *Act declaring ſummes Graſs, given to the Miniſters for their Gleibes to be Teynd-free.*
11 *Ratification and Addition to the Act of Parliament made anent Reſtitution of Chaptours.*
12 *Anent Packing and Peyling.*
13 *Anent the diſcharging of Protections.*
14 *Anent playing at Cardes and Dyce, and Horſe-Races.*
15 *Act, declaring all Tackes ſette for longer ſpace then three yeares, without conſent of the Patron, being perſons under the degree of Prelates, ſince* 1594. *to be Null.*
16 *Anent Mettes and Meaſures.*
17 *Anent the diſcharging of a pecke to the Bow.*
18 *A Ratification of the Act of the* Lords *of Council and Seſſion, made in July* 1620. *againſt unlawful Diſpoſitions, and Alienations, made by Dyvours and Bankrupts.*
19 *Ratification of the Act of Council, anent the pryces of Writtes, Seales, &c. made* 1606.
20 *Act, ordaining annuel-rent to be due after the Horning.*
21 *Anent ſervants going lowſe, and leaving their Maſters ſervice.*
22 *Anent counterfeiting aud making of falſe writtes.*
23 *A generall pardon for deedes done againſt penal ſtatutes: (ſome few excepted.) and a diſcharge of* James Cranſton *his commiſſion.*
24 *Anent Evidents paſt the great Seale, which are not Regiſtrated.*
25 *Anent banquetting, and apparel.*
26 *Anent Thaicking of Houſes in* Edinburgh, *with Sklaite and Skayllie.*
27 *Anent compryſing, from apparent Heires, extended aswel unto mens owne Debts, as their Predeceſſors.*
28 *Anent taking of annuel-rent before hand, to be uſurie.*
29 *Ratification of the Act of Secret Councill, againſt Baxſters, Browſters, Fleſhers, and Candle-makers of* Edinburgh.
30 *Act reſtr aynıng the buying and ſelling of certaine Wylde-Fowles.*
31 *Anent Hunting, and Haulking.*
32 *Anent the harrying of Haulke Neſtes: and Hunting in ſnow.*
33 *Act* Salvo Jure Cujuſlibet.

ANE

A NE TABLE

Of the PARTICULAR ACTS and Others, Not Printed, paſt in the xxiij Parliament, holden at Edinburgh, *the 4. of Auguſt*, 1621.

1 COmmiſſion anent Moneyes.
2 Commiſſion anent the Taxt Rolle, within the Sherrifdome of *Kincardin*.
3 Commiſſion anent Coales, and Coale-heughes.
4 Commiſſion for modifying of Blench Dueties, and Miniſters Stipends, in erected Prelacies.
5 Reference to the Secret Council, anent Maultſters.
6 Another anent the In-bringing of Water to *Edinburgh*.
7 Reference to the Secret Council, anent the *Clangregor*.
8 Reference to the Secret Council, anent the Taxation of the Sherrifdome of *Linlithgow*.
9 Reference to the Secret Council, anent the Profeſſors of Medicine.
10 A Ratification in favours of the Marquis of *Hamilton*.
11 An Act Uniting the Proveſtrie of *Kirke-heugh*, unto the Archbiſhoprick of *Sanct-Andrewes*, with diverſe exceptions.
12 Ratification in favours of the Earle of *Angus*.
13 An Act in favours of the Earle of *Nithiſdaile*.
14 Act in Favours of the Earle of *Winton*, anent the Regalitie of *Sanct-Andrewes*, on the Southſide of *Forth*.
15 Proteſtation made for *John Murray* of *Lochmaben*, anent *Tunninghame*.
16 Ratification, and new diſſolution of *Jedburgh* and *Cannabie*, in favours of the Earle of *Hume*.
17 Ratification in favours of the Earle of *Lowthian*.
18 Ratification in favours of the Earle of *Roxburgh*, anent *Kelſo* and *Leſmahago*, with a new diſſolution.
19 Ratification in favours of the Earle of *Kellie*.
20 Ratification in favours of the Earle of *Melros*, of his infeftment of *Binning*, &c.
21 Another of the Earle of *Melros*, of his infeftment of *Melros*, with a new diſſolution.
22 Act in favours of the Vicount *Lawderdaile*, anent Boltoun.
23 Diſſolution of the Priorie of *Haddington*, in favours of the Maſter of *Lawderdaile*.
24 Diſſolution of the Priorie of *Cauld-ſtreame* in favours of Sir *John Hamilton* of *Trabroune*, Knight.
25 Annexation of the Chappel-Royal to the Biſhopricke of *Dumblane*.
26 Ratification to *Alexander* Biſhop of *Dunkeld*, of his infeftment of *Baltroddie*.
27 Ratification to the Biſhop of *Dumblane*, of his infeftment of *Kilconqhuar*.
28 Proteſtation made for the Lord of *Lorne*.
29 Diſſolution of the Kirk of *Kilmachormuk*, from the Abbacie of *Kilwinning*, and an union thereof to the Biſhoprick of *Argyle*.
30 Act in favours of the Lord *Kilmawers*, anent the Kirk of *Dreghorne*.
31 Ratification in favours of the Lord *Spynie*.
32 Ratification in favours of the Lord *Loudoun*, of his infeftment of *Kyleſmuire*, &c.
33 Ratification to the Lord of *Scone*, of his infeftment of *Drunduffe*, &c.
34 Act in favours of Sir *Andro Ker*.
35 Ratification to the Lord of *Carnegie*, of his Barronie of *Ferne*, &c.
36 Act in favours of *John Stewart*, anent his Rehabilitation.
37 Erection of *Coldinghame*, in favours of *John Stewart*.
38 Diverſe Proteſtations againſt the ſaid Act, made in favours of *John Stewart*.
39 Act in favours of Sir *Richard Cockburne*, Lord Privie Seale.
40 Ratification to Sir *Robert Melvil*, of his Infeftment of *Lethun*, *Monimaile*, &c.
41 Ratification to Sir *George Hay*, of his infeftment of *Kilſawnes*, &c.
42 Ratification to Sir *William Oliphant*, and his ſonnes, of their Infeftments of diverſe landes.
43 Act in favours of Sir *Andro Hamilton*, of *Reidhouſe*.
44 Ratification in favours of *John Murray*, of *Lochmaben*, of two Infeftments.
45 Ratification in favours of *John Levingſton*, of his Infeftment of *Kinnaird*.
46 Ratification in favours of *Iohn Achmutie*, of his Infeftment of *Scougal*.
47 Ratification of diverſe Infeftments, granted to the Town of *Edinburgh*.
48 Ratification to the Town of *Edinburgh*, of the libertie of bearing a Sword of Juſticiarie, of Peace, of Unlawes, the Excyſe of Wine, the Jadgerie, &c.
49 Ratification of diverſe Infeftments granted to the Town of *Edinburgh*, for ſuſtentation of Colledge, Miniſters, and Hoſpitals.



Carolus primus Dei gratia Magnæ Britaniæ, Franciæ, & Hyberniæ Rex &c.

THE ACTS

Made in the FIRST

PARLIAMENT

Of Our Moſt High and Dread Soveraign,

CHARLES

THE FIRST,

By the Grace of GOD, King of GREAT BRITAINE, FRANCE, and IRELAND, Defender of the *Faith*, &c.

Holden by Himſelfe, preſent in Perſon, With his Three Eſtates at Edinburgh, *upon the Twentie eight day of June,* Anno Domini, 1633.

ACT I.

Anent the Taxation granted to His Majeſtie of thirtie ſhillings Tearmly upon the pound Land, and the ſixteenth penie of all Annuel-rents.

IN THE PARLIAMENT holden at *Edinburgh*, the twenty eight day of June, the yeare of God, 1633. THE THREE ESTATES of Parliament being aſſembled, having taken to their Conſideration the many bleſſings, which this nation doth enjoy under his Majeſties moſt wiſe, happy, and peaceable government, whereof each Eſtate is moſt ſenſible, his Majeſties royal zeale for propagating the Goſpel of JESUS CHRIST, his care for providing ſufficient maintenance for the Clergie, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of diſcords, releeving the oppreſſed, and with ſo even and fatherly a hand curing the wounds of this Common-wealth, as the wiſeſt eye can finde no blemiſh in the temper of all his Royal Actions: And laſt, the great comfort they have by enjoying his Majeſties Royal preſence, paines taken, and expences diſburſed by his Majeſtie in this his Majeſties journey: with a moſt thankful acknowledgement, are moſt earneſtly and humbly to entreat his Sacred Majeſtie, to accept of this their voluntary offer of ane taxation to be impoſed, collected, and payd to his gracious Majeſtie, in manner, and at the termes following: That is to ſay, The Dukes, Marqueſſes, Earles, Vicounts, Lords, and Commiſſioners of Shires for the temporal Eſtate, have granted, that there ſhall be uplifted of every pound land of old

old extent within this Kingdome, pertaining to Dukes, Marqueſſes, Earles, Vicounts, Lords, Barons, and Freeholders, and Fewers of his Majeſties proper lands, the ſumme of thirty ſhillings money at every one of the ſix ſeveral termes following, *viz.* The ſumme of thirty ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1634. The ſumme of other thirtie ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1635. The ſumme of other thirty ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1636. The ſumme of other thirty ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1637. The ſumme of other thirty ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1638. And the ſumme of other thirty ſhillings money at the feaſt and terme of Martinmas, in the year of God, 1639. AND the Archbiſhops and Biſhops for the Spiritual Eſtate, have granted that there ſhall be uplifted of all Archbiſhopricks, Biſhopricks, Abbacies, Pryories, and other Inferiour Benefices, within this Kingdome, at every one of the ſix termes above-ſpecified, the juſt taxation thereof, as they have been accuſtomed to be taxed unto in all time by-gone, whenſoever the Temporal lands of this Kingdome were ſtinted to thirty ſhillings the pound land of old extent: And the ſame taxation to be payed at every one of the ſix ſeveral termes above-ſpecified. AND the Commiſſioners of Burrowes for their Eſtate have granted, that there ſhall be uplifted of all the Burrows within this Kingdome, at every one of the ſix termes above-ſpecified, the juſt taxation thereof as they have been accuſtomed to be taxed unto, in all time by-gone, whenſoever the Temporal Lands of this Kingdome were ſtinted to thirty ſhillings the pound land of old extent. And the ſaid Taxation to be payed at every one of the ſix ſeveral termes above-written. AND in regarde that his Majeſtie hath erected ſundry Prelacies in temporal Lordſhips, whereby the owners thereof may claime to be taxed with the Batons of the Temporal Eſtate, and thereby his Majeſtie will be defrauded of a great part of the ſaid Taxation.

THEREFORE THE SAIDS ESTATES Ordaine, that all erections of Prelacies, and other ſmall Benefices, in whole or in part in Temporal Lordſhips, ſhall in payment of the ſaid Taxation pay to the Collectour thereof ſo much of the ſame Taxation (*pro rata*) as if they were no wayes erected, and as they were ſubject to do before the erection of the ſame. AND ſiklike it is ſtatute and ordained, that all diſſolved Benefices within this Kingdome, in whole or in part, ſhall be ſubject in payment of ſo much of the ſame taxation (*pro rata*) as they would have been ſubject to pay, though the ſame had not been diſſolved. And that thoſe parties, who have gotten any part or portion of any Prelacies, or other Inferiour Benefices diſſolved, and new ſecurities made unto them by his Majeſtie of that part and portion thereof ſo diſſolved, ſhall be ſubject in payment of the Taxation thereof to the Prelate or other beneficed perſon for his reliefe of the ſame Taxation, as they would have been, ſo the ſame had not been diſſolved, notwithſtanding of any condition contained in the infeoftments and ſecurities made by his Majeſtie to them in the contrary thereof.

AND FURTHER, his Majeſtie and the ſaids Eſtates annul and diſcharge all priviledges and immunities whatſoever, whereby any perſons may think themſelves free of payment of this preſent Taxation (The priviledges granted to the ordinary Lords and Senators of the Colledge of Juſtice, and the taxation of Benefices, given, diſponed, and mortified for entertainment of the Univerſities, Colledges, and Hoſpitals within this Kingdome only excepted.) AND further, the ſaids Eſtates, for a more ample teſtification of their exceeding great affection to his Majeſties ſervice, have (beſide and attour the ordinary taxation above-written) made a free and willing offer to his Majeſtie of one yearly extraordinarie taxation of the ſixteenth penny of all annual-rents which any perſon or perſons within this Kingdome hath freely due and payable to them yearly or termly (Their own annual-rents, wherein they are adebted to others being firſt deduced): The firſt termes payment whereof ſhall bee, and begin at the Feaſt and terme of Martinmes, in the yeare of God, one thouſand ſix hundred thirty four years, and ſo forth yearly and termly at Whitſunday, and Martinmas for the ſpace of ſix years, while the ſaids ſix yeares and twelve termes payment thereof be full and completely ou-run.

AND For the better tryall of every man his annual-rents, which hee hath yearly or termly due to him: It is ordained, that this Act be publiſhed at the Mrket-Croſſe of *Edinburgh*, and of the whole head burrowes of the Sheriffedomes, Stewartries, Bailleies, and Regalities, within this Kingdome, whereby all his Majeſties Lieges may have true notice thereof. AND therewithal the ſaids Eſtates will, command, and ordaine all his Majeſties ſubjects that have ny annual-rents payable to them, That they compear within the Head-burgh of the Sheriffedome, Stewartrie, Baillerie, or Regalitie, or the Head-burgh of any of thoſe Juriſdictions, wherein the head-Cours are holden, and where the ſaids annual-renters dwell, and have their ordinarie reſidence, in any court dayin one of the two laſt weeks immediately preceeding, and in one of the two firſt weeks immediately ſllowing Whitſunday, and Martinmaſſe. At which time the Sheriffs, Stewards, Baillies, and Baillie of Regalities, and Proveſt, and Baillies of Free-burrows within the bounds of their Juriſdictions, ſha be obliged to hold Courts weekly, to the effect after ſpecified. And the Lieges reſorting to the ſaids Curts, ſhall give up ane inventar to the Clerk thereof, of the whole ſummes of money for which annual-ent is due to them yearly or termly, with the names of their Debtors, deſigned by name and ſurname and the ordinarie place of their reſidence. As alſo the whole ſummes of money for which they are ſubject in payment of annual-rents to others, with the names of their creditors, to whom the ſame is due, deſigned likewiſe by name and ſurname, and the place of

their

then ordinarie reſidence, whether the ſame annual-rent be in victual, or in ſilver: the annual of victual to be eſteemed according to the ſtock of money for which it is payed, at eight for ilk hundred thereof. And ſhall cauſe the parties, up-givers of the ſaids inventars, everie partie ſubſcribe his own inventar himſelfe, if hee can write; and if hee cannot write, the Clerk of the ſaid Court ſhall ſubſcribe the ſaid inventar in face of the court before the members thereof. And alſo the Sherriffs, Stewards, Baillies, Baillies of Regalities, Proveſt, and Baillies of Free-burrowes within the bounds of their juriſdictions: And the Clerks themſelves ſhall make and give up ane inventar of the Debts owing to themſelves, and by themſelves, as ſaid is. IT IS alwaies provided, that if any perſon impedit by reaſon of ſickneſs, or diſtracted by ſome other juſt occaſion, ſhall not be preſent himſelfe to give up the ſaid inventar, It ſhall be lawful for him to cauſe any honeſt reſponſal man within the juriſdiction where hee dwels, compeir and give up his inventar, providing the ſame be ſubſcribed by himſelfe, or any Notar at his command, which the ingiver ſhall declare to be one true deed, and ſhall abide at the ſame upon the like hazard and danger, as the principal partie ſhould underlye: which ſhall be als ſufficient, as if the inventar had been given perſonally up by the principal partie himſelfe. And an inventar being once made and given up, ſhall ſtill ſtand, and be a ground to charge any perſon, during the time of the ſix years of the ſaid taxation, unleſs the partie change, or otherwaies employ his ſummes: and then he ſhall give up a new inventar, which ſhall be a new ground of a charge, and the former ſhall ceaſe. And the ſaid Clerk ſhall make a Record in his Regiſter of the ſaids whole inventars: which inventars being ſo recorded, ſhall bee extracted by the ſaid Clerk, and ſubſcribed with his hand, And three extracts made of the ſame; one to be given to the partie, if he require the ſame; another to be ſent by the ſaid Clerk to the Collector of the ſaid taxation; and the third to be ſent by the ſaid Clerk, to the CLERK of His MAJESTIES REGISTER, to be kept amongſt the Records of his Majeſties Exchequer, to the intent it may be known how far everie party is lyable in payment of the ſaid extraordinarie taxation. For the which extract and not made in Regiſter, the ſaid Clerk ſhall have of every perſon, up-giver of an inventar, the ſumme of four ſhillings money. And if by ſloth or malice the Clerk ſhall happen to delay, or ſhift the Lieges, reſorting to the ſaids courts to the effect foreſaid, (complaint being made thereof to the Lords of his Majeſties privie Council) the ſaids Clerks ſhall bee puniſhed accordingly, at the diſcretion of the ſaids Lords. And at any Court day, in any of the ſaids two Weekes preceeding or immediately following any terme, it ſhall be leaſome to any perſon to compeir and offer to give up his inventar (hee making payment of the taxation due for the ſame) which the Clerk & Judge ſhall be aſtricted to receave.

AND albeit it be declared, that an inventar once given up ſhall ſtill ſtand, and be a ground to charge any perſon during the whole termes of the ſaid taxation, except the ſame be changed in manner foreſaid: Yet becauſe ſundry, who have this liberty, delay to make payment of the taxation of their moneys after the time be expired, THEREFORE It is provided and declared, that if they faillie to make payment of the due taxation of their moneys within twentie dayes after each terme, that the partie ſo faillying, ſhall be ſubject in payment of the triple of the ſaid taxation, for each terme wherein he faillies, and letters ſhall be direct againſt them, for payment thereof in forme as effeiris.

FURTHER, For the better obſervation of this Act, It is declared, that whoſoever receaves, retaines, or conditions to receave any annual-rent, and concealeth the ſame, or any part thereof: Or in giving up his inventar of debts, and annuals owing by him to his juſt creditors, giveth up more than he is juſtly addebted, the up-giver thereof ſhall foreſeit that termes annual to his Majeſties uſe. AND whoſoever firſt diſcovers, or reveales, either the annual concealed, or annual which is more than the up-givers juſt debt; ſhall for his reward have the halfe of that termes concealed annual, and as much as the halfe of that annual which ſhall be diſcovered to have been unjuſtly given up. AND In-caſe it ſhall happen any perſon or perſons whatſoever, by vertue of his up-given inventar, to be charged for payment of his taxation, and at the time of his charge to declare in preſence of a Judge by his great Oath ſolemnly ſworne, that his debter is a bankrupt, whereby he is diſabled to make payment of his taxation, and is content the Kings Majeſty ſhall have the whole annual-rent addebted to him by his bankrupt debtor for that terme, The ſaid declaration ſhall bee a ſufficient liberation to him of the ſame: AND For eſchewing of malicious dilators of thoſe who have omitted or concealed their ſummes, IT IS ordained, That whenſoever any perſon ſhall accuſe, or delate another of concealing, or omitting of ſummes, the time of making his inventar; he ſhall condiſcend upon ſome probable cauſe of his delation, and ſhall find caution *de judicato ſolvi*, incaſe he faillie in providing that which hee delates. And there ſhall no ſuch actions of delations bee lawful againſt dead perſons, their heires, nor executors, except that the ſame hath been intended before the ſaids perſons their deceaſe. Neither ſhall it be lawful after year and day after the expiring of the ſaid taxation, to intend any ſuch action. AND Incaſe any perſon purchaſe wedſet of Lands, and ſet the ſame back again in tacke to him who wedſet the ſame, The tackſmen, poſſeſſors of the Lands, ſhall pay for the ſtent of the Lands, & the haver of the wedſet ſhall pay for the annual-rent of his money which he hath on the Land, as if the ſame were imployed for annual-rent. ATTOUR it ſhall not be lawful by no manner of way to any creditor, to get reliefe of his debtor for this taxation which is impoſed upon annual-rents, by this ſtatute, under the paines contained in the Acts of Parliament made anent Uſurers. AND concerning Minors, it is declared, That their minority ſhall no wayes priviledge them, but their tutors and curators

ſhall give up their inventars of their annual-rents in their names, which if the ſaids Tutors and Curators failyie to do, the ſaids Minors ſhall incurre the like danger as others, and at their perfect age, ſhall have action of relief againſt the ſaids Tutors and Curators for that cauſe. AND incaſe any perſon depart out of this Kingdom after the publication of this preſent act, the ſame ſhall no wayes excuſe him from giving up an inventar of his annual-rents, and payment of the ſaid Taxation, and underlying of the danger contained in this preſent Act. But they who are preſently forth of this Kingdom, and ſhall not return before the terme of Whitſunday, in the year of God, one thouſand, ſix hundred, thirty five, they ſhall not come under the danger of this Act until the terme of Martinmaſſe thereafter, providing, that at that terme they give up their inventars, and pay their Taxation, as if they had been preſent within the Kingdom, before the foreſaid terme of Martinmaſſe. AND for uplifting of the ſame Taxation granted upon Annual-rents, and to the intent, his Majeſties general Collector thereof, may know whom to crave and charge for the ſame; IT is ſtatute and ordained, that within every Sheriffdome, Stewartry, Bailyerie, and Regality, where the Offices of Sheriffs, Stewarts, Bailiffs are heritable, and the Proveſt and Bailiffs of Free Burrows, theſe heritable Officers and their deputes, for whom they ſhall be holden to anſwer, and Proveſt and Bailiffs of Free Burrows, ſhall collect the ſaid Taxation, and make payment thereof to his Majeſties Collector general of his ſaids Taxations. And where theſe Offices of Sheriffs, Stewarts, and Bailiffs, are not heritable but changeable; The Clerks within the ſaids juriſdictions (having their Offices *ad vitam*) ſhall be collectors thereof. And in caſe the ſaids Clerks have not already found ſufficient caution for diſcharging of their Offices, they ſhall be holden before they have any intromiſſion with the ſame Taxation, or exerciſe their Office of Sheriff-Clerk, after the foreſaid Terme of Martinmaſſe, in the year of God, one thouſand, ſix hundred, thirtie four years, to find ſufficient Caution for that effect. AND where there are no heritable Officers nor Clerks (having their Offices *ad vitam*) and have not found Caution in manner above written, the ſaid Collector general of his Majeſties Taxation, and his Deputes in his name ſufficiently authorized by him, and for whom he ſhall be holden to anſwer, And whoſe name he ſhall cauſe publiſh at the Market-croſs of the head Burgh of that Juriſdiction, where there is no heritable Officers nor Clerks (*ad vitam*) that his Majeſties Lieges may know to whom they ſhall make payment, ſhall collect and uplift the ſame Taxation; which payment being made, the receaver thereof ſhall be oblieged to deliver to the payer thereof an acquittance upon the Receipt of the ſame, *gratis*, without paying any money for the ſame. IT IS likewiſe provided, that the Fees of the Collectors and Receavers of the ſame Taxation of annual-rents, ſhall be, like-as hereby they are remitted to the diſcretion and arbitriment of the Lords of his Majeſties Privy Council, to be ſet down and aggreed upon by them. AND the ſaids Eſtates hereby deſcerne and declare, that all Burgeſſes and Freemen within Burgh, albeit they be taxed in the ordinary Taxation abovewritten, with their Neighbours, conform to the order preſcribed for collecting of the burrows part of the ſaid ordinary Taxation; yet the ſame ſhall no wayes liberate nor free them from payment of the ſaid extraordinary Taxation, according to the proportion of the ſixteenth penny of their annual-rents, but ſhall be lyable in payment thereof, as others his Majeſties Lieges are. ATTOUR the ſaids Eſtates annull, and diſcharge all priviledges, and immunities whatſoever, whereby any perſon may think themſelves free of payment of any part of this preſent extraordinary Taxation, the priviledges and immunities granted to the ordinary Lords of Seſſion, with the annual-rents due to be payed to Colledges, Schools, and Hoſpitals, or mortified for ſuſtentation and upholding of Kirks and Bridges, with the annual rent that might be claimed of poor people, whoſe ſtock exceeds not the ſumme of five hundreth Merks Scots, only excepted.

ACT II.

Anent the Collecting and Inbringing of the Taxation, and reliefe to Prelates.

IN THE PARLIAMENT Holden at *Edinburgh* upon the twenty eight day of *June*, the year of God, 1633. The three Eſtates of the ſaid Parliament being aſſembled, having taken to their conſideration the many bleſſings which this nation doth enjoy under his Majeſties moſt wiſe, happy, and peaceable government, whereof each Eſtate is moſt ſenſible, his Majeſties royal zeale for propagating the Goſpel of Jeſus Chriſt, his care for providing ſufficient maintenance for the Clergy, his extraordinary paines taken for uniting the disjoynted members of this Common-wealth, and extirping of all roots of diſcords, relieving the oppreſſed, and with ſo eaven and fatherly a hand, curing the wounds of this Common-wealth, as the wiſeſt eye can finde no blemiſh in the temper of all his royal actions: And laſt, the great comfort they have had by enjoying his Majeſties royal preſence, paines taken, and expences disburſed by his Majeſty in this his Majeſties journey: with a moſt thankful acknowledgement, are moſt earneſtly and humbly to intreat his ſacred Majeſty, to accept of this their voluntary offer of one Taxation ordinary to be impoſed, collected, and payed to his gracious Majeſty in manner, and at the termes following: That is to ſay, The ſumme of thirty ſhillings money at the Feaſt and Terme of Martin-

maſſe,

maſſe, in the year of God, 1634. The ſumme of other thirtie ſhillings money at the feaſt and terme of Martinmaſſe, 1635. The ſumme of other thirtie ſhillings money at the feaſt and terme of Martinmaſſe, 1636. The ſumme of other thirtie ſhillings money at the Feaſt and terme of Martinmaſſe, 1637. The ſumme of other thirtie ſhillings money at the Feaſt and terme of Martinmaſſe, 1638. And the ſumme of other thirtie ſhillings money at the Feaſt and terme of Martinmaſſe, 1639. AND For the ſpiritual-men and Burrowes parts of the ſame taxation, That there ſhall be uplifted of everie Archbiſhoprick, Biſhoprick, Abbacie, Pryorie, and other inferiour benefice, and of everie Free-burgh within this Kingdome, at everie one of the ſaids ſix termes payment, the juſt taxation thereof, and as they have been accuſtomed to be taxt unto in all time by-gone, whenſoever the Temporal-lands within this Kingdome were ſtented to thirtie ſhillings money the pound land of old extent. And the ſame taxation to be payed at every one of the ſix ſeveral termes above-written. AND FOR inbringing of the ſpiritual-mens parts of the ſame taxation, Ordains letters to be direct, charging all and ſundrie Archbiſhops, Biſhops, Abbots, Pryors, as likewiſe all Noblemen and others, in whoſe favours the erection of any prelacie, or other inferiour benefice, or any part or portion thereof, be it in Lands, Kirks, or Teynds, Or in whoſe favours the patronage of any benefice, Kirks, or Teynds are paſt, and all other beneficed perſons contained in the Taxt-rols, their heritable Baillies, Chamberlanes, Factors and intromettors with their rents and living, perſonally, or at their dwelling places, and by open proclamation at the Market-croſſes of the Head-burrowes of the Sheriffdomes, Stewartries, and Baillieries, where the ſaids Prelacies, erected Lordſhips, and ſmall Benefices lye, if they be within this Kingdome. And if they be without this Kingdome, by open proclamation at the Market-croſſe of *Edinburgh*, Peir and Shore of *Leith*, upon threeſcore dayes warning, to make payment of that ſumme, that they and ilk one of them are taxt unto, for every one of the ſaids ſix termes, To the Collector general of the ſaid taxation, appointed or to be appointed by his MAJESTIE, or his Deputes and Officers in his name, having his power and commiſſion to receave the ſame, at the particular termes above-written, under the paine of Rebellion, and putting of them to the horne. And if they failie therein, at the by-paſſing of every one of the ſaids termes, To denounce the diſobeyers rebels, and put them to the horne, and to eſcheat, &c. And that the Prelates, and beneficed perſons, and ſuch Noblemen, and others, in whoſe favours the erections and patronages above-written are paſt, For their reliefe have letters, charging their Vaſſals, Sub-vaſſals, Ladies of terce, conjunct-feears, and life-renters, Fewars, Tackſmen, and penſioners, to make payment of their part of the ſaid Taxation ilk one of them (*pro rata*) according to the ſumme they ſhall be taxt unto; to the ſaids Prelates, and other beneficed perſons, and to the ſaids Noblemen, and others, having power to receave the ſame, within twentie dayes next after the charge, under the paine of rebellion, &c. And if they failie, &c. To denounce, &c. and Eſcheat, &c. And to poynd and diſtrenyie therefore, as they ſhall think moſt expedient: Providing alwaies, that the firſt termes payment of the ſaid taxation be ever paſt, before the next termes payment be charged for. And the Eſtates declare, That the production of ſufficient hornings againſt the ſaids Vaſſals, Fewars, Tackſ-men and penſioners, ſhall be a reliefe to the ſaids Prelates, Lords of erection, and beneficed perſons, and ſhall exoner them (*pro tanto*) from payment of the ſaid taxation. Providing that the ſame hornings, with their Taxt-rols authentickly made and ſubſcribed by the ſaids Prelates, Lords of Erections, and other beneficed perſons, and by their Fewars, Vaſſals, Tackſ-men and Penſioners in manner hereafter preſcribed, containing the particular ſumme which each one of them are taxt unto, be delivered to the Collector of the ſame Taxation, within the ſpace of threeſcore dayes after every Terme: Otherwiſe he ſhall be nowayes obliged to receave the ſame, neither ſhall the Prelate, Lord of erection, nor beneficed perſon be exonered by production of the ſame at any time thereafter.

And farther, that the ſaids Prelates and ſuch Noblemen, and others in whoſe favours the Erections and Patronages above-written are paſt, and all other beneficed perſons may have their reliefe of their Vaſſals, Sub-vaſſals, Ladies of terce, conjunct-feears, life-renters, Fewars, Tackſ-men, and penſioners: To the greater eaſe, and leſſe trouble to their ſaids Vaſſals and others foreſaid. And to the effect, that every one proportionally may pay his part of the ſaid Taxation, according to the quantity and availe of the free-rent, which hee hath of his benefice, lands, penſions, Kirkes, and Teind-ſheaves pertaining to him, alſwel Prelate, Lord of erection, Patron, and other beneficed perſons themſelves, as the Fewar, Tackſ-man and Penſioner.

IT IS thought expedient, ſtatute and ordained, that the ſaids Prelates and others above-rehearſed, every one of them ſeverally ſhall conveen his whole Fewars, Vaſſals, Tackſ-men, and Penſioners at the particular places hereafter deſigned. They are to ſay, The Archbiſhop of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Archbiſhop of *Glaſgow*, at the Citie of *Glaſgow*: the Biſhop of *Orknay*, at the town of *Kirkwal*: the Biſhop of *Caithnes*, at the town of *Durnoch*: the Biſhop of *Roſs*, at the town of *Chanorie* of *Roſs*: the Biſhop of *Murray*, at the town of *Elgin*: the Biſhop of *Aberdeen*, at the burgh of *Aberdeen*: the Biſhop of *Brechin*, at the Burgh of *Brechin*: the Biſhop of *Dunkeld*, at the town of *Dunkeld*: the Biſhop of *Dumblane*, at the town of *Dumblane*: The Biſhop of *Galloway*, at the town of *Wigton*: The Biſhop of *Argyle*, at the Town of *Innerara*: the Biſhop of the *Iſles*, at the Burgh of *Rotheſay* in *Bute*: the Abbot of *Icolmkil*, at the burgh of *Innerneſs*: the Pryor af *Ardchattan*, at the Burgh of *Innerara*: the Abbot of *Ferne*, at the Burgh of *Tayne*: the Lord of *Bewlie*, at the Burgh of *Innerneſs*: the Lord of *Kinloſs*, at the Burgh of *Forres*: the Pryor of *Pluſcarden*, at the Burgh of *Elgin*:

Elgin: the Lord of *Diere*, at the Town of *Peterhead*: the Pryor of *Fyvie*, at the Town of *Turreffe*: the Pryor of *Monymuske*, at the Town of *Monymuske*: the Lord of *Arbroth*, at the Burgh of *Arbroth*: the Lord of *Scoone* at the Burgh of *Perth*: the Lord of *Cowper*, at the Town of *Cowper* in *Angus*: the Pryor of *Reſtenneth*, at the Burgh of *Forfar*: the Collector of the ſame Taxation in place of the Pryor of *Charter-houſe*, the ſeat now vacand, at the Burgh of *Perth*: the Pryor of *Elcho*, at the ſame Burgh of *Perth*: the Pryor of *Straphillane*, at the Kirke of *Comrie*: the Lord of *Inchechaffray*, at the burgh of *Perth*: the Pryor of *Inchmahomo*, at the Burgh of *Sterling*: the Pryor of *Sanct-Andrewes*, at the Citie of *Sanct-Andrewes*: the Baillie of the Regalitie of *Dunfermling*, at the burgh of *Dunfermling:* the Lord of *Balnerinoch*, at the burgh of *Cowper* in *Fyfe*: the Lord of *Lundores*, at the Burgh of *Cowper* in *Fyfe:* the Maſters of Sanct-*Leonards* Colledge, in Sanct-*Andrewes*: for the Pryorie of *Portmocke*, at the burgh of *Cowper* in *Fyfe*: the Pryor of *Pettenweeme*, at the Burgh of *Pettenweeme*: the Lord of Sanct-*Colmbe*, at the Burgh of *Innerkeithing*: the Lord of *Culros*, at the burgh of *Culros*: the Abbot of *Cambuskynneth*, at the burgh of *Sterling:* the Lord of *Torphechin*, at the burgh of *Linlithgow*: the Pryor of *Manwel*, at the burgh of *Linlithgow*: the Lord *Holie-rud-houſe*, at the Burgh of *Edinburgh*: the Lord *New-bottle*, at the Burgh of *Edinburgh*: the Pryores of *Hadingtown*, at the burgh of *Hadingtown*: the Lord of the Temporal lands of the Pryorie of *North-berwick*, at the burgh of *North-berwick*: the Patron and Parſon of the Kirk of *Kilconchare* diſſolved from the Pryorie of *Northberwick*, at the Town of *Elie*: the Patron and Parſon of the Kirk of *Largo* diſſolved from *North-berwick*, at the Town of *Largo*: the Patron and Parſon of the Kirk of *Mayboil* diſſolved from *North-berwick*, at the Town of *Mayboil*: the Patron and Parſon of the Kirk of *Logie* diſſolved from *North-berwick*, at the burgh of *Sterling*: the Lord of *Kelſo*, at the Town of *Kelſo*: the Lord *Coldinghame*, at the Town of *Eymouth*: the Lord of *Dryburgh*, at the Town of *Dryburgh*: the Pryor of *Eccles*, at the toun of *Dunce*: the Pryor of *Cold-ſtreame*, at the burgh of *Dunce*: the Lord of *Jedburgh*, at the Town of *Jedburgh*: the Lord of *Melros*, at the Town of *Melros*: the Lord of *Paiſlay*, at the Town of *Paiſlay*: the Lord of *Blantyre*, at the burgh of *Glaſgow*: the Lord & Baillie of the Temporal-lands of *Kilwyning* diſſolved from the Abbacie of *Kilwining*, at the burgh of *Irwing*: the Abbot of *Corſraguel*, at the Town of *Mayboil*: the Pryor of *whithorne*, at the burgh of *Whithorne*: the Abbot of *Saulſette*, at the burgh of *Whithorne:* the Pryor of Sanct-*Mary-Ile*, at the burgh of *Kirkcudbright*: the Lord of *Dundrennan*, at the burgh of *Kirkcudbright*: the Lord of *Glenluce*, at the burgh of *Wigtoun*: the Abbot of *Tungland*, at the burgh of *Wigtoun*: the Abbot of *New-abby*, at the burgh of *Dunfreis*: the Abbot of *Holie-wood*, at the burgh of *Dunfreis*: the Pryor of *Cannabie*, at the burgh of *Annand*: the Barron and Baillie of the Baronie of *Brughtoun*, diſſolved from the Lordſhip of *Hole-rud-houſe*, at the Burgh of *Edinburgh*: the Heritours of the hundred pound land of the Barronie of *Monkland* diſſolved from the Lordſhip of *Newbottle*, at the Citie of *Glaſgow*: the Miniſter of *Felfoord* at the burgh of *Aire*, the Miniſter of *Scotland-wel*, at the burgh of Sanct-*Andrewes*: the Miniſter of the Croſs Kirk of *Peebles*, at the burgh of *Peebles*: the Patron and Parſon of the Kirk of *Dundie* diſſolved from the Abbacie of *Lyndores*, at the burgh of *Dundie*, and all other ſmal beneficed perſons at the pariſh Kirkes of their particular benefices: And that they conveen to the effect above-written upon the thirteenth day of Auguſt, in the year of God, one thouſand, ſix hundred, thirty four years: which is declared to be the preciſe day appointed for all their Vaſſals, Fewers, Takſ-men, and penſioners to keep the ſaid meeting, and that no further citation nor ſummoning ſhall be requiſite, then this Proclamation and publication of this preſent Act at the Market-croſſes of the Head-burrowes of this Kingdome.

AND here-with it is reſolved by his Majeſtie and the ſaids Eſtates, that if any Vaſſals, Sub-vaſſals Fewars, Tackſ-men of Teinds, penſioners, or any other juſtly bound to make reliefe to Prelate, Lord of Erection, Patron, or other beneficed perſon of any part of the ſaid Taxation, ſhall ſend any procurator in his name ſufficiently authorized to the ſaid meeting: the ſame ſhall not only excuſe the principal parties abſence, but the procurators ſhall be admitted in all things, and receaved to doe and performe in the diſtribution of the ſaid Taxation, what could or lawfully might have beene done by him who ſent him.

IT IS Like-wiſe declared, that the Prelate, Lord of Erection, Patron, or other beneficed perſon, impedit by diſeaſe, or diſtracted upon ſome other neceſſary occaſion from attending that meeting, having his ablence ſupplied that day by a ſufficient, worthy perſon whom he ſhall authorize and appoint to that effect, ſhall be as lawful as if he were perſonally preſent himſelfe: and the party ſo authorized ſhall be admitted and receaved in all things, to doe and performe in the diſtribution of the ſame Taxation, what could or lawfully might have beene done by him who ſent him.

IT IS further ſtatute and ordained, that at the ſaid day of meeting, the ſaids Prelates, Lords of erections, patrons, and other beneficed perſons, ſhall by themſelves, or by their procurators lawfully authorized, as ſaid is, Fence, and hold a Court, call by name and ſurname upon every one of their Vaſſals, Sub-vaſſals, Fewars, Tackſ-men of teinds, penſioners, and others obliged to releive them of any part of the ſame Taxation, and lawful time and day being bidden; To ſhew to their ſaids Vaſſals, Fewars, Tackſ-men, and penſioners, or their procurators compearing for them, the quantitie of the Taxation impoſed upon their Prelacie, erected Lordſhip, or other benefice authentickly ſubſcribed by the Clerke of the ſame Taxation. And they all (at the leaſt ſo many of them as ſhall conveene for this effect with one conſent) ſhall diſtribute the ſame to be payed by every man, as well by the Prelate, Lord of Erection, and preſent Poſſeſſor of ſmal benefice, for the free rent that every one of them hath of their Prelacies, erected Lordſhips, and ſmal benefices, as by the

Vaſſal

Vaſſal, Fewer, Tackſ-man, and penſioner, according to the great and ſmall quantitie of the free rent, which every one of them hath either of their Lands, Teinds. or penſions; with certification to any of the ſaids perſons, Fewars, Vaſſals, Tackſ-men, and Penſioners, that compeare not by themſelves or their procurators at the day and place above ſpecified to the effect foreſaid; That ſuch as ſhall conveene with the ſaids Prelates, Lords of Erections, Patrons, or orher beneficed perſons, or their procurators. ſhall proceed in the equal diſtribution of the ſame Taxation, as well amongſt them that are abſent as preſent, and ſhall make and ſubſcribe ane authenticke Taxt-roll there-upon. And incaſe none of the ſaids Vaſſals, Fewars, Tackſ-men, and penſioners, ſhall conveen at the day and places above ſpecified, to this effect by themſelves or their procurators, but ſhall wilfullie abſent themſelves from the ſaid meeting: It ſhall be lawful for the ſaids Prelates. Lords of erections, Patrons, and other beneficed perſons, being preſent by themſelves or their procurators at the day and places above ſpecified, to make, ſet down, and ſubcribe the ſame taxt-roll: And incaſe any of the ſaids Prelates, Lords of erections, Patrons, or other beneficed perſons, ſhall not conveen by themſelves, or their procurators, at the day and places above ſpecified, particularly deſigned to every one of them: It ſhall be lawful for the ſaids Vaſſals, Fewars, Tackſ-men, and penſioners, at the leaſt ſo many of them as ſhall conveene by themſelves, or their procurators, to make, ſet down, and ſubſcribe the ſaid Taxt-roll. Which taxt-roll ſhall containe the particular ſumme that every one ſhall be found juſtly to be addebted to pay, the parties name addebted to pay the ſame, & the cauſe wherefore the ſame ought to be payed. And being ſo ſet down either by the Prelates, Lord of erection, Patron and other beneficed perſon, or their lawful procurators, with ſo many of their Vaſſals, Sub-vaſſals, Fewars, Tackſ-men of teinds, penſioners, and others obliged to relieve them of any part of the ſame Taxation, as ſhall conveen with them to this effect: And incaſe that none ſhall conveen with them, the ſaid roll being then ſet down by the Prelate, Lord of erection, Patron, or other beneficed perſon, or their lawful procuratours, or incaſe of their abſence being ſet down, made, and ſubſcribed by the moſt part of the ſaids Vaſſals, Fewars, Tackſ-men, and penſioners by themſelves, or their procuratours as ſhall conveen themſelves for this effect; His Majeſtie and the ſaids Eſtates decerne to be as lawful in all reſpects, as if the whole number of perſons having intereſt therein, had conveened, made, ſet down, and ſubſcribed the ſame: which Taxt-roll being ſo ſet down, made and ſubſcribed in maner above-written (and no otherwiſe) and delivered to the Clerk of the Taxation; His Majeſtie and the ſaids Eſtates Ordaine him to give warrant for giving of letters of reliefe there-upon, diſcharging him in any caſe to give warrant for giving of letters of reliefe upon any roll preſented unto him, not made and authentickly ſubſcribed in forme above-written, as he will anſwer to the contrarie upon his peril.

IT is like-wiſe ſtatute and ordained, That Tackſ-men of Teinds ſhall have their reliefe of their Sub-tackſ-men, [*pro tanto*,] reſpect being had to the gerſom payed by the ſaids Sub-tackſ-men. AND FOR INBRINGING of the Barrons and free-holders part of the ſame Taxation, and of the Fewers and rent-tellers of Our Soveraigne Lords proper lands their parts thereof: Ordaine letters to be direct, charging al and ſundrie Sheriffs, Stewarts, Baillies, their Deputes and Clerks, Fewars, Chamberlanes, and Receavers of Our Soveraigne Lords proper lands; that they and every one of them within the bounds of their proper offices, raiſe and up-liſt the ſumme of thirtie ſhillings, money of this Realme, of every pound land of old extent lying within the bounds of their Juriſdictions, for every one of the ſix termes above-ſpecified. And inbring and deliver the ſame to the collector foreſaid, or to his Deputes and Officers in his name, having his power to receave the ſame at the particular termes above-ſpecified, under the paine of rebellion, &c. And if they failie at the by-paſſing of every one of the ſaids termes, to donounce and eſcheat, &c.

And for their relief, that letters be direct, charging all and ſundrie Dukes, Earles, Lords, Barrons, Free-holders, Fewars, and Rentellers of our Soveraigne Lords proper lands, perſonallie, or at their dwelling places, and by open proclamation at the Market-croſſe of the head-burgh of the Sheriffdome, Stewartrie, Baillierie, where their lands lye, if they be within the Kingdome, and if they be without the Kingdome, by open proclamation at the Market-croſſe of *Edinburgh*, Peir and Shore of *Leith*, upon threeſcore dayes warning: to make payment to the ſaids Sherriffs, Stewarts, and Baillies, their Deputes and Clerks, Chamberlanes, and receavers of our Soveraigne Lords proper lands, every one of them for their own parts *reſpective*, of the ſaid ſumme of thirtie ſhillings money foreſaid, for every pound land of old extent, pertaining to them for everie one of the ſaids ſix termes payment. Within twentie dayes next after they be charged thereto, under the paine of rebellion, &c. And if they failie, &c. To denounce and eſcheat, &c. And if need bee, that the ſaids Sheriffs, Stewarts, Baillies, their Deputes and Clerks, Chamberlanes, and receavers of our Soveraigne Lords proper lands, poynd and diſtrenyie the readieſt goods and geare being upon the ſaids lands therefore, as they ſhall think moſt expedient. And that the ſaids Earles, Lords, Barons and Free-holders, Fewers, and Rent-tallers of our Soveraigne Lords proper Lands have letters for their reliefe, to charge their Vaſſals, Sub-vaſſals, Ladies of Terce, Conjunct-feears, and Life-renters, to make payment of their parts of the ſaid Taxation, within twentie dayes next after the charge, under the paine of Rebellion, &c. And if they failie, &c. To denounce, &c. And eſcheat, &c. And if need be, that they poynd, and diſtrenyie therefore. Providing alwaies, that the firſt termes payment of the ſaid Taxation be ever paſt, before the next terme be charged for. AND for inbringing of the Burrowes part of the ſame taxation, ordains letters to be directed, charging the Proveſt and Baillies of ilk Burgh, to make

payment of the taxt and ſtent thereof, to the Collector general aforeſaid, his Deputies and Officers in his name, having his power to receive the ſame at the particular terms above-ſpecified, under the pain of Rebellion, &c. And if they failyie, &c. To denounce and eſcheat, &c. And for their relief, that letters be direct, charging the Proveſt, Bailiffs, and Council within each Burgh, to conveen and elect certain perſons to ſtent their neighbours. And the ſaid election being made, to charge the perſons elected, to accept the charge upon them, in ſetting of the ſaid ſtent upon the inhabitants of every burgh, and to conveen and ſet the ſame, and make a ſtent roll thereupon, as effeirs, within twenty four hours next after their charge, under the pain of Rebellion, &c. And if they failye, &c. To denounce and eſcheat, &c. And ſuch like, the ſaid ſtent Roll being made and ſet down, as ſaid is, To charge the Burgeſſes, Indwellers, and Inhabitants within each burgh, to make payment of their part of the ſaid ſtent, to the ſaid Proveſt and Bailiffs, conform to the taxt roll to be given out thereupon, within three dayes next after the charge, under the pain of Rebellion, &c. And if they failye, &c. To denounce, &c. and eſcheat, &c. And if need be, that the ſaid Proveſt and Bailiffs poynd and diſtrenyie therefore, as they ſhall think moſt expedient. IT IS alwayes provided, that no perſon whatſoever be ſtented or taxt within burgh, except according to the availe, and quantity of his rent, living, goods, and geare, which he hath within Burgh: no wayes reſpecting his lands, nor poſſeſſions, which he hath to Landward; for the which he will be obliged to pay taxation to other Officers. Providing alwayes, that the firſt terms payment of the ſaid taxation be ever paſt, before the next terme be charged for.

ATTOUR, His Majeſty, and his ſaids Eſtates decerne and declare, that the charges to be given for payment of the ſaid Taxation, ſhall be executed before the terms of payment above-ſpecified, for every terms payment particularly by it ſelf: And that the denunciation of horning following thereupon, ſhall not be execute untill the termes payment be by-paſt, and twenty dayes thereafter. Which denunciation ſo following, upon the charges given before the ſaids termes of payment, His Majeſty and Eſtates decerne and declare, to be valid and ſufficient.

And his Majeſty, and the ſaids Eſtates conſidering the great abuſe which hath been uſed in all time bygone, by ſundry of the Lieges of this Kingdom, againſt all good conſcience, in cauſing of their poor Farmerers, Tenants, and Labourers of the ground being removable, who are ſubject in payment of very deare Fermes and other duties, to relieve them of the whole burden of by-gone taxations, which hath been the occaſion of impoveriſhing a number of the ſaids Farmerers, labourers, and tenants, and bringing of them to utter wrack and ruine, whereas of reaſon they ſhould be altogether free from payment of any Taxations. And the ſame ſhould be payed by ſuch as have free rents, lands, and goods of their owne. FOR REMEDIE whereof, it is ſtatute and ordained that no perſons whatſoever exact or compel, his tenants, or fermerers removeable, who payes ferme, and other deare duties for the lands occupied by them, to pay any part of this preſent Taxation, or to ſeek relief at their hands of the ſame. And if the ſame be found done by any perſons, that they ſhall be called and conveened therefore, before his Majeſties Juſtice, and his Deputes, or before his Majeſties Council as violent and Maſterful oppreſſors of his Majeſties ſubjects, and puniſhed therefore according to Juſtice.

AND FURTHER, the ſaids Eſtates, beſide the ordinary taxation above-written, have for the ſpace of ſix yeares next, and immediatly following the terme of Martinmaſſe, 1634. years, freely and voluntarily granted to his Majeſty a yearly extraordinary taxation of the ſixteenth penny of all annual rents, which any perſon or perſons within this Kingdom hath freely due and payable unto them, yearly and termly, (their own annual rents, wherein they are adebted to others being firſt deduced.) The firſt termes payment whereof ſhall be, and begin at the ſaid Feaſt and terme of Martinmaſſe, 1634. yeares: and ſo forth yearly and termely at Martinmaſſe and Whitſunday, untill the ſaid ſix yeares or twelve termes payment thereof be fully and completely out-run. And whereas his Majeſty and Eſtates have by act of Parliament authorized all and ſundry heretable Sheriffs, Stewarts, Bailiffs, and Bailiffs of Regalities, and their Deputes, and the Proveſts and Bailiffs of free Burrowes within the bounds of their juriſdictions, as likewiſe the Clerks within the juriſdictions where theſe Offices are not heretable: which Clerks have their Offices (*ad vitam*) To collect the ſaid extraordinary taxation, and to make payment thereof to the Collector general of the ſame taxation. THEREFORE, and for inbringing of the ſaid extraordinary taxation, Ordains Letters to be direct, charging all and ſundry the ſaids heretable Sheriffs, Stewards, Bailiffs, Bailiffs of Regalities, and their Deputes and Clerks, and the ſaids Proveſts and Bailiffs of free Burrows, and their Clerks: as likewiſe the Clerks within the juriſdictions where theſe Offices are not heretable, that they and every one of them by North the water of *Dee* within the ſpace of fiften dayes after every terme of Martinmaſs & Whitſunday: And that they & every one of them, by ſouth the water of *Dee*, within the ſpace of ten days after every terme of Martinmaſs & Whitſunday, deliver to His Majeſties ſaid Collector general, a true & juſt accompt & inventar of the whole ſummes of Money due to be payed by any perſon within the bounds of their juriſdiction, for his part of the ſaid extraordinary taxation, And that they give up the ſame compt and inventar upon their Oath, ſolemnly ſworne, that the ſame is juſt and true: And to make payment to His Majeſties ſaid Collector general, or to his Deputes in his name, having his power to receive the ſame, of the whole moneys due to be payed to his Majeſty, conform to the ſaid compt and inventar, within twenty dayes after each terme, under the pain of Rebellion. And in caſe the ſaids Sheriffs, Stewarts

warts, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks failye, &c, To denounce and eſcheat, &c. FOR WHOSE RELIEF that letters be direct, charging all and ſundry the ſaids annual-renters, to make payment to the ſaids Sheriffs, Stewards, Bailiffs, Bailiffs of Regalities, their Deputes and Clerks, Proveſts and Bailiffs of Free Burrows, of the ſaid ſixteenth pennie of all annual-rents, freelie due and payable to them, within twentie dayes next after the Charge, under the pain of Rebellion, &c. And if they failyie, &c. To denounce, &c. And if need be, that the ſaids Sheriffs, Stewards, Bailiffs of Regalities, Clerks, Proveſts, and Bailiffs of Free Burrows, poynd and diſtrenyie therefore, as they ſhall think moſt expedient.

AND His MAJESTIE and the ſaids Eſtates, ordaine the Lords of Seſſion, to be only Judges to all ſuſpenſions to be craved and ſuted by any of our Soveraigne Lords Lieges, touching the ſaids taxations; Which ſuſpenſions, the ſaids Eſtates finde may be granted upon lawful and equitable reaſons to be conſidered by them: And diſcharge all other Judges within this Kingdome, of granting of any ſuſpenſions thereanent. With power to the ſaids Lords, To delegate five at the leaſt of their ordinary number, as they ſhall think expedient, To ſit, cognoſce, and decide the ſaids ſuſpenſions, in time of Vacance, if need be. And ſiklike, to depute Commiſſioners for trying and judging of concealements, with als ample and full power to be given to them, as the ſaids Lords of Seſſion, by vertue of this preſent Act, have.

ACT III.

Anent his Majeſties Royal Prerogative, and Apparel of Kirkmen.

OUR SOVERAIGNE LORD, With advice, conſent, and aſſent of the whole Eſtates, acknowledging his Majeſties Soveraigne Anthoritie, Princely power, Royal Prerogative, and Priviledge of his Crown, over all Eſtates, Perſons, and Cauſes whatſoever within this Kingdome, Ratifies and approves the Act of Parliament, made in the year 1606. anent the Kings Royal Prerogative, and perpetually confirms the ſame, for his Highnes, his Heires and Succeſſors, als amply, abſolutely and freely in all reſpects, as ever any of his Majeſties Royal Progenitors did poſſeſſe, and exerciſe the ſame. And withal remembring, that in the Act of Parliament made in the year, 1609. anent the Apparel of Judges, Magiſtrates, and Kirk-men: IT WAS aggreed, That what order ſoever his Majeſties Father of bleſſed Memorie ſhould preſcrive for the apparel of Kirkmen, and ſend in Writ to his Clerk of Regiſter, ſhould bee a ſufficient Warrant for inſerting the ſame in the Bookes of Parliament, to have the ſtrength of ane Act thereof: HAVE all conſented, that the ſame Power ſhall remaine with the Perſon of Our Soveraigne Lord, and His Succeſſours that now is, And with the ſame clauſe for execution thereof, as in the ſaid Act is contained.

ACT IV.

Ratification of the Acts Touching Religion.

OUR SOVERAIGNE LORD, With advice and conſent of the Eſtates, ratifies and approves all and whatſoever acts and ſtatutes made before, anent the libertie and freedome of the true Kirk of God, and Religion preſently profeſſed within this Realme, And ordaines the ſame to ſtand in their full force and effect, as if they were ſpecially mentioned, and ſet down herein.

ACT V.

Ratification of the Act of Council anent Plantation of Schooles.

OUR SOVERAIGNE LORD, with the Advice of the States, ratifies the Act of Secret Council, dated at *Edinburgh* the tenth day of December, one thouſand, ſix hundred, and ſixteen years, made anent the planting of ſchooles, with this addition, That the Biſhops in their ſeveral Viſitations ſhall have power with conſent of the Heritours and moſt part of the Pariſhoners, And if the Heritour being lawfully warned refuſes to appeare; Then with conſent of the moſt part of the pariſhoners, to ſet down and ſtent upon every Plough or Husband-land. according to the worth. for maintenance and eſtabliſhing of the ſaids Schools. And if any perſon ſhall find himſelfe grieved, it ſhall be lawful to him to have recourſe to the Lords of Secret Councel, for redreſſe of any prejudice he may or doth ſuſtain. And ordaine letters to be direct for charging of the poſſeſſours for the time, to anſwer and obey the Schoole-maſters of the duties that ſhall be appointed in manner foreſaid.

ACT

ACT VI.

Againſt the Inverting of Pious Donations.

OUR SOVERAIGNE LORD, With the Advice of the Eſtates, underſtanding that certaine perſons piouſly diſpoſed, have of late beſtowed certaine gifts in Lands, Heritages, and ſummes of money, in favours of Colledges, Schooles, Hoſpitals, and other pious uſes, which by the Adminiſtratours, and ſuch others as they have entruſted with the managing thereof; are inverted to other uſes then the Will of the diſponer, upon ſome ſpecious pretences, contrarie or different from the Diſponers intention, to the evill example of others, and the hinderance of ſuch and the like charitable works, againſt all reaſon and conſcience. THEREFORE It is ſtatute and ordained, that it ſhall no-waies be lawful to alter, change or invert any of the ſaids gifts, legacies, and other pious donations, to any other uſe then that ſpecifik uſe whereunto they are deſtinate by the diſponer himſelfe. And that the Heires, Executors, or others entruſted with the ſaids gifts and legacies ſhall be comptable for the ſame, to the uſe of the Kirkes, Colledges, and others to whom the ſaids diſpoſitions were made: And that actions ſhall be competent either to the ſaids Kirkes, Colledges, and others, to whom the ſame were diſponed, or to the Biſhops and ordinaries within the Dioceſſes where the ſaids Kirkes, Schooles, and others above-ſpecified lye, for compelling them to apply the ſame to the true uſe, And to make compt and payment of the ordinarie profits of everie years intromiſſion, at the rate allowed by the Lawes of the Realme, by and attour the fulfilling of the Diſponers Will. And this Act to be extended to all Diſpoſitions made at any time ſince the majoritie of King JAMES the Sixth, or to be made hereafter in all time comming, And that letters of Horning be direct at their inſtance, by deliverance of the Lords of Seſſion without citation of parties.

ACT VII.

Anent Invading of Miniſters.

OUR SOVERAIGNE LORD, with the advice of the Eſtates, ratifies and approves the Act of Parliament made in the year of God one thouſand, five hundred, foureſcore and ſeaven yeares, anent the Invaders of Miniſters, with this explanation and addition, That whoſoever invades any Miniſter, or puts any violent hands on him, by themſelves, their men, tenants, ſervants, or any others by their hounding out, direction or allouance, for whatſoever cauſe or occaſion; whither the ſame be for the cauſe contained in the ſaid Act; or for any other cauſe, otherwiſe then by order of Law; or doth offer violence to them, ſhall incurre the like paine as is contained in the ſaid Act, and ſhall be judged after the forme and manner therein preſcribed. And declares, that the ſame ſhall be extended to all Arch-biſhops, Biſhops, and Miniſters whatſoever, having power by lawful warrant to preach, and adminiſter the Sacraments. And becauſe the malice of ſome is ſuch, that the invaſion and violence foreſaid may be committed by lawleſſe and unreſponſal men, the hounders out of whom cannot be gotten detected; ſo as the benefite of this Act, and the indemnitie, of the ſaid Church-men & their foreſaids may be fruſtrate. THEREFORE it is ſtatute and ordained, That the Land-lords, and Heritors, and chiefe of Clanus, and others in whoſe bounds the ſaids offenders dwell, or haunt ordinarlie, ſhall be holden, upon the complaint of the partie offended to the Lords of His Majeſties Secret Council, to exhibite and produce the ſaids malefactors before the ſaids Judges, to be cenſured and puniſhed corporally, or otherwiſe in their eſtates, if they be reſponſal at the diſcretion of the ſaids Judges. And if it ſhall happen the ſaids offenders to abſent and remove themſelves out of the bounds of the ſaids Heritors and Land-lords; and others on whom they depend, ſo that the ſaids Land-lords, Heritors, and others foreſaids, may pretend that it is not in their power to exhibite the foreſaids delinquents: Therefore it is ſtatute, that if after the giving in of the ſaid complaint before the ſaids Judges, and certiorating of the ſaids Land-lords, and others foreſaid, either by citation, charge, or intimation, or any other Legal manner of way, if the ſaids delinquents ſhall be found within the bounds of the ſaids Land-lords, and others foreſaids, haunting publickly and openly by the ſpace of ten dayes; That then and in that caſe the ſaids Land-lords, and others foreſaid, ſhall be eſteemed as connivers with the delinquents, and be obliged under the like cenſure and puniſhment, to exhibite them to the Council.

ACT VIII.

Of Ratification of the Act of Commiſſion anent the Miniſters Proviſions.

OUR SOVERAIGNE LORD, With the advice and conſent of the Eſtates of Parliament, ratifies and approves the Act of Commiſſion of Surrenders and Teinds, of the date at *Holy-rud-houſe* the twentie ſixth day of June, the yeare of God 1627. years, whereof the Tenor follows. The Commiſſioners after

after reaſoning upon the loweſt proportion and proviſion, wherewith the Miniſtrie ſerving the Cure at each Kirke, ſhall be provided, Have found it meet and expedient, that the loweſt proportion ſhall be eight Chalder of victual, where victual is payed, or proportionally in ſilver or victual, as the Commiſſioners ſhall appoint, at the ſettling of the Kirke, and according to the Eſtate of that part of the Countrey, where the payment of the ſtipend ſhall occurre. And thinke it meet, that the ſaid proportion of eight Chalder of victual, or proportionally in ſilver, as ſaid is, ſhall be the loweſt maintenance to each Kirke, except ſuch particular Kirkes occurre, wherein there ſhall be a juſt, reaſonable, and expedient cauſe to goe beneath the quantitie now determined.

AND His Majeſtie, and Eſtates foreſaids, referre to the Commiſſioners to be choſen by his Majeſtie, at this preſent Parliament, The conſideration of rhe reaſons and cauſes, which may move them (after the valuation of the true worth of the Teinds of ilke Pariſh be cloſed) To determine and modifie a leſſe quantitie for the Miniſters maintenance, nor the quantitie foreſaid of eight Chalder of victual, or eight hundred markes in victual or moneys proportionally, And what the ſaids Comiſſioners ſhall determine therein, the ſame to ſtand notwithſtanding of this preſent Ratification. And alſo his Majeſtie and Eſtates ratifie and approve the whole particular Acts of the ſaid Commiſſion of Surrenders and Teinds, whereby ſtipends are appointed and modified by the ſaids Commiſſioners alreadie, And ordaine the Miniſters to whom the ſame is aſſigned, to have intromiſſion therewith: And that the Lords of Seſſion direct letters of horning and poynding, in favour of the ſaid Miniſters conforme thereto, upon one ſimple charge of ten dayes allennerly. And alſo upon all other Acts to be made for plantation of Kirks by the Commiſſioners appointed by his Majeſtie and Eſtates for that effect. And it is declared, that theſe preſents ſhall be without prejudice to the titulars and others having intereſt to purſue for rectifying of ſuch valuations, as are or ſhall be enormely undervalued, and alſo without prejudice of the Miniſters maintenance and augmentation proportionally effeiring to the true and juſt worth of the Teind. &c.

ACT IX.

The Kings General Revocation.

FORSOMUCH As OUR SOVERAIGNE LORD, the Kings Majeſtie, ſhortly after the deceaſe of his Majeſties umwhile deareſt Father, King JAMES the ſixt, of ever bleſſed memorie, for preſerving of the libertie and priviledge due to his Majeſtie by the common Law, and by the Acts and ſtatutes of the Kingdome; And following the laudable cuſtome uſed before by his Majeſties Predeceſſours, in making of their Revocations: Did upon the twelfth day of October, 1625. make and give forth his General Revocation under his Privie Seale, as the ſame, in the ſelfe, at more length beares. AND HIS MAJESTIE being now preſent in his Royal perſon, within this Kingdome, and having by Gods grace, favour, and bleſſing, and with the General acclamation, joy, and comfort of his Subjects, accepted the Crown thereof, wherein he is gloriouſly inaugurate, and now holding the firſt Parliament of his whole Eſtates of the ſaid Kingdome, with whom his Majeſtie hath adviſed and reſolved anent the ſaid Revocation. Therefore his Majeſtie, with conſent of the three Eſtates, and whole body of this preſent Parliament, hath ſtatute, enacted, and ordained, and by theſe preſents, ſtatuts, enacts and ordaines in manner following.

IN the firſt, his Majeſtie and whole Eſtates of Parliament revokes, caſſes, and annuls all Infeftments, Charters, Precepts, Confirmations, Alienations, Gifts, Donations, Rights, Securities, and other Diſpoſitions whatſoever, of any Rents, Lands, Lordſhips, Baronies, Heritages, Teinds, Patronages of Kirks, Offices, Priviledges, and others whatſoever annexed to the principality, or to the Prince, who is ſecond perſon of the Realme, made, convoyed, ſigned, or conſented unto by his Majeſties ſelfe in his minoritie and leſſe age, or by his Majeſties umwhile deareſt Father, for himſelfe, as Prince of *Scotland*; or as Father and lawful adminiſtrator to his Majeſtie, or to umwhile Prince *Henrie* his Majeſties Brother, of worthie memorie, or by the ſaid umwhile Prince *Henrie* himſelfe, or made and granted by his Majeſties ſaid umwhile deareſt Father; or any other his Majeſties predeceſſors, Kings of *Scotland*, in their times, to what ſoever perſon or perſons, in hurt and prejudice of the Prince, ſecond perſon foreſaid: or made and granted by his Majeſtie at any time preceeding the date hereof, unlawfully, and againſt the lawes of the Kingdome, the ſame being tried and found to be ſo.

ITEM, His Majeſtie with conſent of the ſaid Eſtates, revokes, caſſes, annuls, retreats, and reſcinds, all and ſundrie Infeftments, grants, diſpoſitions, confirmations, and other rights whatſoever, made by his Majeſtie induring his Minoritie and leſſe age, to whatſoever perſon, or perſons, in fee, frank-tenement or otherwiſe, of the lands, Kirks, Teinds, patronages, offices, and others pertaining to the Lordſhip of *Dunfermling*, to the which his Majeſtie ſucceeded as onely Sone and Heire, to his Majeſties umwhile deareſt Mother Queene *Anna*, who was heritably Infeft in the ſaid Lordſhip of *Dunfermeling*. And ſick-like, revokes all gifts, alienations, diſpoſitions, and other rights whatſoever, made by his Majeſtie, or his ſaid deareſt Mother, unlawfully, and againſt the Lawes of the Kingdome, of the ſaid Lordſhip, or of any lands, teinds, offices, Kirks, patronages, and others pertaining to the ſaid Lordſhip, at any time preceeding the date hereof, the ſame being ſo found and verified before the ordinary Judge.

ITEM, His Majeſtie and Eſtates foreſaid, revokes, caſſes, annuls, retreats, and reſcinds all and ſundrie Infeftments, charters, gifts, donations, confirmations, alienations, penſions and other diſpoſitions whatſoever made, convoyed, ſigned, or conſented unto by his Majeſtie, or by his Majeſties umwhile deareſt Father, or by any other his Majeſties Predeceſſors in their ſeveral times, to whatſoever perſon or perſons, in any manner of way, in fee, few-ferme, frank-tennement or otherwiſe whatſoever, of any lands, rents, Lordſhips, Barronies, Patronages of Kirks, cuſtomes, annuals, fiſhings, liberties of fiſhings, burrow-mails, other rents, Caſtle-wards, or other whatſoever annext to the Crowne, offices of Juſticiary, Stewartrie, and Bailliarie, within the ſame appertaining there-unto, contarie to the Acts of annexation made there-upon of before. And where lawful diſſolution of the ſaid annexation was not made by his Majeſtie, his ſaid umwhile deareſt Father, and his ſaids predeceſſors, Kings of Scotland, in their majoritie, with conſent of the three Eſtates of Parliament, in their ſeveral times, for ſetting of the ſame in few-ferme, with augmentation of the rental: To the effect the ſame may be of none availe in time comming, after the date hereof, by way of action, exception, or reply.

ITEM, His Majeſtie with conſent foreſaid, revokes, annuls, retreats, and reſcinds all infeftments, donations, alienations, and other diſpoſitions whatſoever made by his Maieſtie, or his ſaid umwhile deareſt Father, either in their Minoritie to their hurt and leſion, or in their Majoritie againſt the Lawes and Acts of Parliament, to whatſoever perſon, or perſons, of whatſoever lands, rents, annuals, and revenews not annext to the Crown, whereof his Majeſties umwhile deareſt Grand-mother Queen *Mary*, was in poſſeſſion before the Coronation of his Majeſties umwhile deareſt Father of happy memorie. And of all offices, ſuch as Chamberlanaries, Bailliaries, office of Cuſtomarie made for moe yeares, but from the Exchequer, till the compt be made in the Exchequer following, Conſtableries, Bailliaries, Tackes and rentals of his Majeſties proper lands and rents, above the ſpace of five yeares, made and granted contrary and againſt the Lawes and Acts of Parliament of the Kingdome, the ſame being ſo found and tryed.

ITEM, His Majeſtie with conſent of the Eſtates, revokes, caſſes, annuls, retreats, and reſcinds, all and whatſoever Infeftments, rentals, and other rights whatſoever of any part of the annext property, or of the few-fermes of whatſoever proper lands annext to his Majeſties Crowne, made to whatſoever perſon by his Majeſtie, or his umwhile deareſt Father; or any other his Majeſties predeceſſors, which are made in diminution of the rental, and hurt of the patrimonie of the Crowne, where the diminution may be proved and verified.

ITEM, His Majeſtie revokes, caſſes, annuls, retreats, and reſcinds all and whatſoever Infeftments, alienations, and diſpoſitions, made by his Majeſtie, or by his umwhile deareſt Father, or any other his Majeſties Noble Progenitors, of the few-ferme victual of any lands pertaining to the Crowne; which were lawfully ſet in few of before, for payment of the few-ferme victual: and the ſame few-ferme victual is ſet thereafter in few, or otherwiſe for ſilver payment; becauſe ſuch a ſet or few-ferme being ſo found and tryed, is clearly underſtood to be to the great abuſe, hurt, and diminution of His Majeſties Patromonie and rent.

ITEM, His Majeſtie revokes, caſſes, annuls, retreats, and reſcinds all Infeftments, alienations, and diſpoſitions, with all tackes, and aſſedations, and any other ſort of conveyances whatſoever made by his Majeſtie, or his Majeſties deareſt Father, or any other His Majeſties Predeceſſors, Kings of *Scotland*, againſt the Lawes of the Kingdome, to whatſoever perſons, of his Majeſties Caſtles, and Houſes, or Places, and Roomes, whereupon the ſaids Caſtles and houſes were ſituat, although now demoliſhed by injury done to his Majeſtie and the ſaid Crown. And ſicklike, all Infeftments, alienations, and diſpoſitions, and all other ſort of conveyances whatſoever, of any of his Majeſties medowes, woods, and parks, with all tackes, aſſedations, and other diſpoſitions thereof, made by his Majeſtie or his Predeceſſors foreſaid, againſt the Lawes of the Kingdome, The ſame being ſo found and tryed.

ITEM, His Majeſtie, revokes, retreats, and reſcinds all and ſundrie Infeftments, alienations, gifts, diſpoſitions, or any other conveyances, whatſoever made by his Majeſties ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, Kings of *Scotland*, induring their minoritie and leſſe age, and not thereafter confirmed in their majoritie, to whatſoever perſon or perſons in few-ferme or life-rent, of all lands, and annuel-rents which become in their hands, as propertie by right of the Crowne, through baſtardrie, or being laſt Heire, by recognition, or forefaulter, or otherwiſe with all confirmations, if any be granted in Parliament thereupon: providing that preſentation to tennandries fallen by occaſion foreſaid, ſhall in no wayes come under this preſent Revocation, becauſe the ſame being caſualities, coulde not remaine in his Majeſtie, or his ſaids predeceſſors hands, in prejudice of the Superior of the ſaids tennandr es, but of neceſſitie it behoved them to preſent heritable Tennants to the ſaids Superiours.

ITEM, His Majeſtie, with conſent foreſaid, revokes, caſſes, annuls, all new Infeftments, confirmations, and other conveyances whatſoever given by his Majeſties ſaid umwhile deareſt Father, or any other His Majeſties predeceſſors, Kings of *Scotland*; to whatſoever perſon or perſons, of any Lands, Baronies, Lordſhips, or other Heritages whatſoever: To be holden in blenſh ferme, which were holden of his Majeſtie or his Predeceſſors of before, by ſervice of ward and reliefe. And that in ſo farre as the ſame is, or may be found and verified, to have beene granted againſt the Lawes and Acts of Parliament of the Kingdome, without prejudice alwayes to the heritable poſſeſſors, incaſe of reduction of their changed re-

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nors to brooke and hold their ſaid lands heritablie, as they were holden before the alteration of the ſaid holding.

ITEM, His Majeſtie with conſent foreſaid, revoks, caſſes, annuls, retreats, and reſcinds all Regalities and gifts of Regalities, and all confirmations, and ratifications of the ſaid gifts and regalities, made, given, or granted, or conſented to by his Majeſtie, or his ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, kings of *Scotland*, againſt the Acts and ſtatutes, that no Regalities ſhould be given in heritage, without advice & deliberation of the whole Parliament, together with all charters, infeftments, confirmations, gifts *de novo damus*: And other rights whatſoever, made by his Majeſtie or his Predeceſſors above-named, of whatſoever heritable offices, againſt the lawes and Acts of Parliament of the Kingdome.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreats, and reſcinds all new creation of lands, baronies, and annexations, and unions of divers lands in fee, which are made by his Majeſtie, or his ſaid umwhile deareſt Father, or any other of his Majeſties Predeceſſors, Kings of *Scotland*, in prejudice of their due ſervice owing of before: Together with all diſcharges given of the ſaid ſervice, and ſutes of court due of old: And that in ſo farre as the ſame is, or may be found to be unlawfully made or againſt the laws of the Kingdome.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds, all new Infeftments, made and given by his Majeſtie, or his ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, Kings of *Scotland*, of creation of Baronies, and Lordſhips annext to the Crowne foreſaid, in favour of whatſoever perſon, in ſo farre as the ſame is, or may be verified, to have beene made and granted unlawfully, and againſt the laws of the Kingdome.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreats, and reſcinds all Infeftments, gifts, and diſpoſitions whatſoever, ſet, given and granted by his Majeſtie, or his ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, Kings of *Scotland*, to whatſoever perſon or perſons in fee, few-ferme, or life-rent, of whatſoever Hoſpitals, Maſondieus, lands, or rents appertaining thereto: In hurt or prejudice of their conſciences, and againſt the laws and Acts of Parliament of the Kingdome, to the end, that the ſaid Hoſpitalls may be reduced to the firſt inſtitution, for upholding of the poore, ſo farre as may be done by the lawes of the Kingdome. Providing alwayes, that the rents of the Trinitie Colledge beſide the burgh of *Edinburgh* and other rents aſſigned to the Hoſpitall and Colledge erected by the Proveſt, Bayliffes, and Counceil of the burgh of *Edinburgh*, be no wayes comprehended under this preſent Revocation.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls retreats, and reſcinds all and whatſoever gifts, penſions, gifts of fees, wages, liveries, and diſpoſitions out of his Majeſties caſualities, and coffers given by his Majeſtie, or by any of his Majeſties noble Progenitors (except ſuch as ſhall be of new granted by his Majeſtie againe) together with all Preſentations to offices and places, which by the laws of the Realme fall under his Majeſties Revocation, excepting alwayes the preſentations, fees, and penſions given to the ordnary officers of the Crowne after ſpecified, their Deputes, and Clerkes, and to the other perſons after mentionate, which are declared no wayes to fall within this preſent Revocaton: They are to ſay, The fees and penſions given and aſſigned to the Theſaurer, Comptroller, and Collector principal: And to his Majeſties depute Theſaurer, and to their Deputes and Clerkes: To the Secretary principal, and his Deputs: To the Clerke of Regiſtery, to his Majeſties Advocat, & the Juſtice, Juſtice-Clerke, and their Deputs, and to the Maſter of Requeſts, and to the proctor for the poore, director of the Chancellarie, and dictator of the Rolls. And alſo declares the penſions and others underwritten, no wayes to fall under his Majeſties Revocation, viz. The penſion to the Duk of *Lennox*, his umwhile Father or Uncle: The penſion to the Earle of *Morton*, with the tacke and aſſedation of *Orknay* and *Zetland*: The penſion to ſir *Robert Ker* of *Ancrum*: the penſion to Mr. *John Sandelands*: The penſion to Sir *James Lokart*: The penſion to ſir *James Livingſton*: The penſion to ſir *William Balfour*: The penſion to *Halbert Maxwell*: The penſion to ſir *Iames Carmichal*: The penſion to ſir *Iames Ramſay*: And the penſion to ſir *John Murray* of *Revilrige*, which his Majeſtie and Eſtates declare ſhall ſtand in effect, notwithſtanding of this preſent Revocation.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreats, and reſcinds all gifts, penſions, and free diſcharges of the thirds of benefices, granted by his Majeſtie, or his ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, Kings of *Scotland*, to whatſoever perſon or perſons, againſt the laws and Acts of Parliament of the Kingdome, with all tackes of thirds of benefices whereby the rentalled duetie is diminiſhed, or where the whole benefice is ſet and diſponed in diminution of the third thereof, in ſo farre as the ſame is contrarie to the lawes of the Kingdome, as ſaid is.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreates, and reſcinds all and whatſoever Infeftments made by his Majeſtie or his ſaid umwhile deareſt Father, or any other his Majeſties predeceſſors, of any Church-lands, Fryer-lands, Monk-lands, or common-lands, which any wayes fell, and became in their hands as propertie, and that in ſo far, as the ſame is, or may be verified to be made contrary, and againſt the laws and Acts of Parliament of the Kingdome, reſerving alwayes the infeftment made for erection and ſuſtentation of Hoſpitals, and Miniſters within Burrows, where there is no

aſſignation nor ſtipend allowed forth of the thirds of benefices, for ſuſtentation of the Miniſters thereof: And declares that all ſuch Infeftments of church-lands as is before exprimed, falls under this revocation, if the perſon or perſons, and their ſucceſſors, to whom the ſame have been diſponed, have not anſwered and performed the cauſe and ends expreſſed in the ſaids Infeftments, and for the which the ſaids Infeftments was granted by his Majeſtie and his predeceſſors, as ſaid is.

ITEM, His Majeſtie with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all tackes, aſſedations whatſoever of any common Churches within the Realme of Scotland, made by his Majeſtie, or his ſaid umwhile deareſt Father, or any other his Majeſties Predeceſſors, Kings of Scotland, in ſo far as the ſame is or may be found and verified to be made againſt the Lawes and Acts of Parliament of the Kingdome; Providing alwaies, that there ſhall be ſufficient Miniſters appointed to ſerve the ſaids Churches, who ſhall make reſidence, and ſhall be ſufficiently ſuſtained of the readieſt fruits of the ſaids common Kirkes, according to the general order taken thereanent.

ITEM, His Majeſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all gifts of Monkes portions, firſt fruits or fift penny of any benefices, whereunto His Majeſtie hath right by the Acts of Parliament made before to that end, And that in ſo farre as the ſaids gifts are or may be found to be granted againſt the Lawes of the Kingdome.

ITEM, His Majeſtie, with conſent foreſaid, revokes, caſſes, annulls, retreats and reſcinds all gifts and Infeftments, made, done, and conſented unto, to whatſoever perſon or perſons by His Majeſtie, or his Majeſties ſaid umwhile deareſt Father, or any other his Majeſties predeceſſors, Kings of Scotland, of whatſoever advocation, donation, and right of Patronage given or annexed to any Lordſhips, Lands or Baronie where the ſaid Patronage, Advocation and donation of benefice pertained not before of right, but which taketh the beginning and ground from any gift and Infeftment thereof made with this clauſe (*de novo damus*) where the purchaſer of the ſaid infeftment had no right to the ſaid Patronage, Advocation and Donation of before. And that in ſo farre as the ſame is or may be found to be granted againſt the Lawes and Acts of Parliament of the Kingdome.

ITEM, His Majeſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats and reſcinds all gifts, diſpoſitions of ſuperplus omitted of the fruits of benefice, given by his Majeſtie, his ſaid umwhile deareſt Father or any other his Majeſties Predeceſſors, Kings and Queens of Scotland, in ſo farre as the ſame is or may be found and verified to be granted againſt the Lawes and Acts of Parliament of the Kingdome.

ITEM, his Majeſtie, with conſent of the Eſtates, revokes, caſſes, annuls, retreats and reſcinds all grants and infeftments of erections, of whatſoever Abbacie or other Prelacie, in whole or in part, Temporalitie or Spiritualitie thereof, made and granted, or conſented unto by his Majeſtie at any time preceeding the date hereof, to and in favour of whatſoever perſon or perſons, and declares the ſame null and of none avail, by way of action, exception, or reply, and als his Majeſtie and Eſtates, revoke all infeftments of Erections made and granted by his Majeſties ſaid umwhile deareſt Father, or any of his Majeſties predeceſſors Kings or Queens of Scotland, of whatſoever Abbacie, Priorie, Nunnerie, Preceptorie, or any other Erected benefice whatſoever, of whatſoever nature, qualitie or condition whereof the preſentation ſhould pertaine to his Majeſtie, if the ſame were not erected in a Temporal Barronie, Lordſhip, or Living, or of any part or pendicle thereof, either Spiritualitie or Temporalitie of the ſame to and in favour of whatſoever perſon or perſons, And that in ſo farre as the ſame is, or may be verified to be granted, againſt the general Lawes and Acts of Parliament of the Kingdome. And to that effect revokes, caſſes, and annuls, retreats and reſcinds all Acts, ſtatutes, and diſſolutions of any of the ſaids erected benefices, Lands or Teinds of the ſame, whereupon the ſaids infeftments of erections are, or have been founded: And that in ſo farre as the ſame is or may be found and verified to be contrarie to the general Lawes, Acts of Parliament, and ſtatutes of the Kingdome, as ſaid is.

AND generally his Majeſtie, with conſent foreſaid, revokes, caſſes, annuls, retreats, and reſcinds all Acts, conſtitutions, diſpoſitions, grants, conveyances, ratifications, and all other things whatſoever done or conſented unto by his Majeſtie at any time preceeding the date hereof, or by his umwhile deareſt Father, or any other his Majeſties predeceſſors, Kings and Queens of Scotland, in detriment of their ſoule and conſcience: in hurt and detriment of the Crowne and Church, and contrarie to the Lawes and Acts of Parliament of the Kingdome. And wils and declares, that theſe preſents ſhall be als amply extended, and to be of als great effect in general and ſpecial, as any revocation made by any of his Majeſties Royal Predeceſſors before the date hereof, contained in the bookes of Parliament, which in all heads, clauſes, and circumſtances thereof are holden as here repeated.

AND alſo his Majeſtie, with conſent of the Eſtates, ordaines and decernes, that albeit it ſhall happen his Majeſtie for any reſpect or conſideration, to ſuffer any perſon or perſons, to uſe or poſſeſſe any priviledges or poſſeſſions, lands, rents, offices, which are fallen under the compaſſe hereof, That it ſhall make no right to the uſers and holders thereof, but it ſhall be lawful to his Majeſtie and his ſucceſſors to intromit therewith, when ever it ſhall pleaſe them by vertue of theſe preſent Acts and conſuetudes of the Realme made before, without any obſtacle, impediment or contradiction.

ACT

ACT X.

Anent Annexation of His Majeſties Propertie.

OUR SOVERAIGNE LORD, With advice and conſent of the Eſtates of this preſent Parliament, ratifies and approves the whole acts of annexation of whatſoever Lands, Lordſhips, and Baronies annext to the Crown by his Majeſties umwhile Father, or any other his Majeſties Predeceſſors. And farther, his Majeſtie and Eſtates foreſaids, and without derogation of the former annexations, of new annexes the ſame to the Crown; to remaine there-with for ever according to the conditions and proviſions contained in the former Acts of annexation of Lands to the Crown; and ſpecially of the Act of annexation made in the dayes of King *James* the ſecond, in the Moneth of Auguſt, 1455.

ATTOUR, His Majeſtie with conſent foreſaid, declares the right and title of Superioritie, Of all and ſundrie, Lands, Baronies, Milnes, Woods, Fiſhings, Towers, Fortalices, Manour-places, and whole pertinents thereof, pertaining to whatſoever Abbacies, Pryories, Pryoreſſes, Preceptories, and whatſoever other Benefices of whatſoever Eſtate, Degree, Title, Name, or Deſignation the ſame be of, erected in Temporal-Lordſhips, Baronies, or livings, before or after the general Act of annexation of Kirk-lands, made in the Moneth of July, 1587. yeares: together with the whole Few-mails, Few-fermes and other rents and duties of the ſaids ſuperiorities To be annexed, and to remaine with the Crown for ever: Reſerving to ſuch Lords and Titulars of Erections, and each one of them, who have ſubſcribed the general ſurrender, the Few-mails, and Few-fermes of their ſaids ſuperiorities, aye and while they receave payment and ſatisfaction of the ſumme of a thouſand markes, uſual money of *Scotland*, for each chalder of Few-ferme victual over-head, and for each hundreth markes of Few-mails, and for each hundreth markes worth of all other conſtant rent of the ſaids ſuperiorities, not conſiſting in victual or money, and not being naked ſervice of Vaſſals, according to the tenor of his Majeſties general determination, and according to the conditions therein expreſt: And reſerving to them and to all other Titulars of Erection, their propertie and proper lands to be holden of his Majeſtie and his Succeſſors, in Few-ferme for payment of the Few-ferme duties, and other duties contained in the old infeftments made to them, their Predeceſſors, and authors before the ſaid Act of annexation. Like-as his Majeſtie and Eſtates foreſaid, findes and declares that all titulars of erection without exception, ſhall hold their propertie and proper lands of his Majeſtie and his Succeſſors, in Few-ferme, for payment of the Few-ferme duties contained in the infeftments granted to them and their foreſaids, before the ſaid Act of annexation, and no otherwiſe. And his Majeſtie and Eſtates declares all rights and deeds whatſoever, made and granted to whatſoever perſon or perſons preceeding the date hereof, which may prejudge his Majeſtie and his Succeſſors, in the peaceable brooking, enjoying, and poſſeſſing of the ſaids ſuperiorities and Few-ferme duties above-ſpecified (excepting and reſerving as ſaid is) To be null and of none availe, force nor effect by way of action, exception, or reply.

AND ſicklike, his Majeſtie and Eſtates ratifies and approves the Acts of Parliament made by his Majeſties ſaid umwhile deareſt Father, of Eternal memorie: The fifteenth Parliament, Cap. 233. Intitulate, [*anent the annexation of the Kings annext propertie.*] Together with the 234. Act of the ſaid Parliament, Intitulate [*The annext propertie may not be diſponet, but in Few-ferme allanerly.*] And alſo the 236. Act of the ſame Parliament, Intitulate [*diſpoſition of the annext propertie, made before the diſſolution, or not conforme to the conditions thereof is null.*] And ſicklike, the 243. Act of the ſaid fifteenth Parliament, Intitulate, [*Anent ratifications or diſpoſitions made in Parliament:*] And ordaines the ſame to have full force and effect in all time coming. And declares all deeds done in contrary thereof, to be null and of none availe by way of action, exception, or reply. IT IS alwayes declared that under this preſent Act, nor no clauſe thereof, ſhall no wayes be comprehended the Temporal lands, ſuperiorities, and others pertaining to whatſoever Arch-biſhops, Biſhops, and their Chaptors: but that the ſame ſhall remaine with them and their ſucceſſors unhurt or prejudged by this preſent Act.

ACT XI.

OF DISSOLUTION.

FOR SO MUCH, As albeit the Lands, Lordſhips, Baronies, and others of old, are lately annext to the Crown, were and are, for great and weighty conſiderations, tending to the weale of the Crown and whole Realme, Ordained to remaine with OUR SOVERAIGNE LORD, and his Succeſſors for ever. And not to be diſponed nor annalied in fee nor life-rent, to whatſoever perſon or perſons, without advice of the three Eſtates of Parliament, and for profitable and ſeene cauſes, tending to the weale of the whole Realme: Yet nevertheleſſe, it hath been ever thought expedient in the dayes of OUR SOVERAIGNE LORDS moſt glorious Predeceſſors: And no wayes derogatorie to the conditions of the ſaid annexations but aggreeable thereto, as tending to the publique weale of the Crown and Kingdome; that the annext and proper lands ſhould be ſet in Few-ferme for increaſe of policie and augmentation of the rental:

And his Majeſtie being well pleaſed to obſerve and follow the order kept by his Majeſties Predeceſſors foreſaid, anent his Majeſties annexed propertie.

THEREFORE His Majeſtie with conſent of his three Eſtates of Parliament, ſtatutes and ordaines, that it ſhall be lawful to his Majeſtie enduring his time, to ſet all and ſundrie lands, Baronies, Lordſhips, milnes, fiſhings, and other his Majeſties proper lands both of the old and new annexed propertie, and of the temporalitie of Kirk-lands; in Few-ferme, ſo that it be not in diminution of his Majeſties rental, greſſumes, and other duties: but in augmentation thereof, providing alwayes that this preſent diſſolution ſhall no-wayes be extended to the ſetting in Few-ferme of any of OUR SOVERAIGNE LORDS Caſtles, Palaces, Yards, Woods, Parks, Forreſts, paſtures for ſheepe and nolt, and in ſpecial the Lommonds of *Falkland*, Coalheuches, and Offices: But the ſame to remaine inſeparablie annext to the Crown, notwithſtanding of this preſent diſſolution. And declares that this preſent diſſolution ſhall endure for the lifetime of OUR SOVERAIGNE LORD, the Kings Majeſtie, who now is allanerly. So that the Lands and other foreſaids, which he ſets in Few-ferme in his time, with the condition foreſaid, ſhall ſtand perpetuallie, to and in favours of the receavers thereof, their Heirs and Succeſſors, and after his deceaſe, the annexations made at this preſent Parliament, and of before ſhall returne to their owne nature.

ACT XII.

Ratification of the Acts of Interruption.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, ratifies and approves the Act of the Lords of Council and Seſſion, of the date at *Edinburgh*, the penult of March, 1630. yeares: anent the interruption of the Act of preſcription, in favour of his Majeſtie and his Succeſſors, together with the Act of Secret Council, of the date at *Holy-rude-houſe*, the twentie ſixth day of May, 1630. yeares. Whereby the ſaids Lords of Secret Council have allowed and approved the ſaid Act: And ordaines the ſaids Acts to be inſert in this preſent Ratification. And his Majeſtie and Eſtates declares the ſaids Acts to have the full force effect and execution of a law, ſtatute and Act of Parliament, in favour of his Majeſtie and his Succeſſors in all time comming.

Followeth the tenor of the Act of Council and Seſſion.

AT EDINBURGH, the penult day of March, the year of God, 1630. yeares. The which day in preſence of the Lords of Council and Seſſion compeared perſonally, Sir *Thomas Hope* of *Craige-hal*, Knight Baronet, his Majeſties Advoeat, and preſented a letter directed from his Sacred Majeſtie, whereof the tennor followeth.

REX. Right truſtie, and right wel-beloved Couſin and Counciller, and truſty and wel-beloved, We greet you well. Whereas by Act of Parliament made in the Moneth of June, 1617. years, all heritable rights cled with fourtie years poſſeſſion, are declared to be irreduceable in all time comming, except the ſame be quarrelled within the ſpace of fourtie years: And by the ſame Act there is libertie granted to all perſons, who might be prejudged by the ſaid preſcription of fourtie yeares already run and expired, before the date of the ſaid Act, To intend their actions within the ſpace of thirteen yeares after the date of the ſaid Act: And whereas we, ſhortly after the deceaſe of our deareſt Father, of Eternal memorie, made our general Revocation in the Moneth of October, 1625. yeares. Which revocation we by two ſpecial Letters of declaration, one of the date at *White-hal* the twentie ſixth day of Januarie, 1626. yeares: And regiſtrate in the Bookes of Secret Council the ninth of February, 1626. yeares. And ane other of the date at *Wainſteed*, the elleventh of July, 1626, yeares: And regiſtrate in the Bookes of Secret Council upon the twentie one of July, 1626. yeares. Have reſtricted to the annulling of rights of the propertie of the Crown, as well annexed as unannexed, whereof accompt hath been made in Exchequer, and of the Principalitie unlawfully diſponed by our Predeceſſors: againſt the Lawes and Acts then ſtanding, and to the annulling of erections and other diſpoſitions of whatſoever lands, teinds, Patronages, and Benefices formerly belonging to the Kirk, and ſince annext to the Crown. And of any other lands and Benefices mortified and devoted to pious uſes: And of Regalities and heritable offices, and of the change from the ancient holding of ward and reliefe to blenſh or taxt ward, ſince the year of God, 1540, yeares. And becauſe, We were unwilling to enter in proceſſe with our Subjects anent the premiſſes; but rather deſired to take a faire courſe with all ſuch as would voluntarily treat with Us or our Commiſſioners there-anent.

THEREFORE We were pleaſed by our Commiſſion of the date at *White-hal* the ſeventeenth day of January, 1627. yeares, to appoint certaine of our Nobilitie, Clergie, Gentrie, Barons, and Burrowes, to be commiſſioners, to treat and deal betwixt Us and our Subjects, anent the premiſſes. And albeit the ſaid Commiſſion hath made a good progreſſe in the ſaid matter of erection and teinds: and that a great number of

of our ſubjects, having intereſt therein, have ſubſcribed to us general ſubmiſſions, whereupon, We have given forth our ſeveral determinations for the good of our Subjects, and eſtabliſhing of the perpetual quietneſſe, and peace of that our ancient Kingdome; Yet it is certaine that many of theſe who have intereſt in erections and teinds, lye forth, and have not ſubſcribed the ſaid general ſubmiſſions. Like-as alſo the remanent points of our ſaid commiſſion anent the Patronage of Kirkes, rights, and inſeſtments of our Propertie, and Principalitie, Regalities, Heritable offices, and Changed tenours of holding in blenſh or taxt-Wards, are not as yet begun to be handled and treated, and cannot be poſſibly finiſhed and cloſed, before the expiring of the time and yeares of interruption, allowed by the ſaid Act. And becauſe, We will not ſuffer our ſelfe or our Succeſſors to be prejudged by delay of the execution of the ſaid commiſſion of the lawful actions competent to us and them, for reducing of ſuch rights of the premiſſes, to the which We have undoubted intereſt. And ſeeing a multitude cannot be commodiouſly ſummoned and warned perſonally, or at their dwelling places in ſo ſhort time as is to run of the ſaid time of preſcription. THEREFORE and for preſervation of our rights and actions competent to us and our Succeſſors anent the premiſſes, Neceſſary it is, that ſome ſolemne Act be done by us, to teſtifie our will and reſolution, to proſecute our ſaid actions in the owne time, if the ſame be not taken away and removed by the ſaid commiſſion, which we think cannot be more properly and conveniently done, nor by inſerting of this our declaration in your Books of Seſſion, and directing of Letters of publication thereupon: certifying all our Lieges who have intereſt in the premiſſes, by open proclamation at the Market-croſſe of our Burgh of *Edinburgh*, and other places needful, of this our pleaſure, will, and declaration. And that the ſame be declared by you, to have the ſtrength, force, vertue, and power of a legal and perfect interruption. AND THEREFORE, We require you immediately after the ſight hereof, to cauſe inſert theſe preſents in your Bookes of Seſſion, and to declare the ſame to have the force of a Legal and lawful interruption, and to direct Letters of publication thereupon, in forme as effeires. Which, not doubting you will doe, We bid you, farewel. From our Court at *White-hal*, the twenty ninth day of November, 1629. years. With the which Letter, Tenor, Contents, and deſire thereof, after that the ſame with the Act of Parliament whereunto it is relative, was read in their whole preſence; The ſaids Lords being well and ripely adviſed, and having conſidered the Juſtice and Equitie of his Majeſties will and pleaſure therein contained: they have ordained and ordaine the ſaid letter and declaration therein contained, to be inſert, and regiſtrate in their Bookes of *Sederunt:* and ordaine Letters of publication to be direct and paſſe thereupon, certifying all his Majeſties Lieges who have intereſt, by open Proclamation at the Market-croſs of *Edinburgh*, and other Market-croſſes of the Kingdome, where the Lands, Baronies, and others underwritten lye: or where the perſons and ſubjects dwell and remaine, againſt whom the ſaid declaration is to have the effect of a Legal interruption, in manner following. AND by open Proclamation at the ſaid Market-croſs of *Edinburgh*, Pier and Shore of *Leith*, for all ſuch of his Majeſties Lieges, who are forth of this Realme, Of his Majeſties pleaſure, will, and declaration, and of the ſaids Lords their decreet, and authoritie interponed thereto. Like-as the ſaids Lords declare, That the ſaid declaration regiſtrate, as ſaid is, and to be publiſhed in manner foreſaid, ſhall have the ſtrength, force, and power of a Legal and perfect interruption, againſt all perſons having intereſt: and that in ſo farre allanerly as may be extended to the particulars following: To wit, to his Majeſties annexed propertie, and his Majeſties propertie unannexed, whereof the fermes duties or Fewfermes have been compted in his Majeſties Exchequer, ſince the Moneth of Auguſt, 1455. yeares, and unlawfully diſponed by his Majeſties Predeceſſors, againſt the Acts of Parliament and Lawes of the Kingdome: and to the principalitie unlawfully diſponed by his Majeſties Predeceſſors, againſt the Acts of Parliament and Lawes of this Kingdome, and to the reduction of whatſoever erections, of whatſoever benefices, ſpirituality or temporality thereof, againſt the Laws and Acts of Parliament: and to the reduction of whatſoever patronages of Kirkes pertaining to his Majeſtie and his Predeceſſors, and unlawfully diſponed by them againſt the Acts of Parliament: and againſt unlawful diſpoſitions of whatſoever lands, Teinds, or Rents doted to Hoſpitals, or Maſon-dieus, and unlawfully diſponed againſt the Acts of Parliament: and againſt Regalities and heretable offices unlawfully diſponed, contrarie the Acts of Parliament: and againſt all changed tenors of holding from ward to blenſh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being Major: with this declaration, like-as the ſaids Lords declare, that the ſame ſhall not prejudge any perſon whatſoever of their lawful defence competent to them, againſt any Action to be intended hereafter, at his Majeſties inſtance and his Succeſſors; except in ſo far as concerne the ſaid Act of preſcription, whereupon the ſaids Lords declare, that no exception ſhall be founded in prejudice of his Majeſtie and his Succeſſors, concerning the premiſſes.

Followeth the Tenor of the Act of Secret Council.

APud Holy-rude-houſe *viceſimo ſexto die menſis Maij, Anno Domini milleſimo ſexcenteſimo triceſimo.* THE Which day, in preſence of the Lords of Secret Council, compeared perſonally Sir *Thomas Hope*, of *Craige-hall*, Knight Baronet, his Majeſties Advocat, and gave in the Act of Seſſion underwritten, made in favour of his Majeſtie, anent the Interruption of the Act of preſcription, and deſired the ſame to be inſert

inſert and regiſtrate in the books of privie Councel, and the Lords authoritie to be interponed thereto: Which Act of Seſſion being read, heard, and conſidered by the ſaid Lords, and they being there-with, and with the deſire of the ſaid Advocat well adviſed: The Lords of Secret Councell thinke the courſe and order taken by the ſaid Lords of Seſſion for interrupting of the ſaid Act of preſcription, to be juſt and reaſonable: And therefore, they ordaine the ſaid Act of Seſſion to be inſert and regiſtrate in the bookes of privie Councel, whereof the tenor followeth.

At *Edinburgh*, the penult day of March, the yeare of God, 1630 years: The which day in preſence of the Lords of Councell compeared perſonally Sir *Thomas Hope* of *Craige-hall*, Knight Baronet, his Majeſties Advocat, and preſented a Letter direct from his ſacred Majeſtie, whereof the tenor followeth.

CHARLES REX: Right truſtie, and right well-beloved Couſin, and Counceller, and right truſtie and well-beloved, We greet you well. Whereas by Act of Parliament made in the moneth of June, 1617 yeares, All heritable rights cled with fourtie yeares poſſeſſion, are declared to be irreduceable in all time coming, except the ſame be quarrelled within the ſpace of fourtie years: And by the ſame Act there is libertie granted to all perſons, who might be prejudged by the ſaid preſcription of fourtie years already run and expired before the date of the ſaid Act; To intend their actions within the ſpace of thirteene yeares after the date of the ſaid Act. And whereas We, ſhortly aftet the deceaſe of our deareſt Father of eternal memorie, made our general revocation in the moneth of October, 1625. Which revocation we by two ſpecial Letters of declaration, one of the date at *White-hall* the twenty ſixth day of January, 1626 yeares, And regiſtrate in the bookes of our ſecret Councel the ainth day of February, 1626 years; And another of the date at *Wainſteed* the eleventh day of July, 1626 yeares, and regiſtrate in the bookes of our ſecret Councel upon the twentie one day of July, 1626 yeares; Have reſtricted to the annulling of rights of the propertie of our Crowne, as well annexed as unannexed, whereof accompt hath beene made in our Exchequer; And of the principality unlawfully diſponed by our Predeceſſors againſt the lawes and Acts then ſtanding; And to the annulling of erections and other diſpoſitions of whatſoever lands, teinds, patronages, and benefices formerly belonging to the Kirke, and ſince annexed to the Crowne; And of any other lands and patronages, which any wayes ſhould juſtly belong to the Kirke or Crowne; and of whatſoever lands and benefices mortified and devoted to pious uſes; And of Regalities and heritable offices; And of the change of holdings from the ancient holding of ward and relieſe to blenſh and taxt ward, ſince the yeare of God, 1540 yeares. And becauſe We were unwilling to enter in proceſſe with our Subjects anent the premiſſes, but rather deſired to take a faire courſe with all ſuch as would voluntarily treat with Us or our commſſioners there-anent.

THEREFORE We were pleaſed by our commiſſion of the date at *White-hall* the ſeventeenth day of January, 1627 yeares; To appoint certain of our Nobilitie, Clergie, Gentrie, Barons, and Burrowes, to be commiſſioners to treat and deal betwixt Us and our Subjects, in the premiſſes. And albeit the ſaid commiſſion hath made a good progreſſe in the ſaid matter of erections and teinds, and that a great number of our ſubjects having intereſt therein, have ſubſcribed unto us generall ſubmiſſions, whereupon We have given forth our ſeveral determinations for the good of our ſubjects, and eſtabliſhing the perpetual quietneſſe and peace of that our ancient Kingdome; Yet it is certain, that many of theſe who have intereſt in erections and teinds, lye forth, and have not ſubſcribed the ſaid general ſubmiſſions: Like-as alſo the remanent points of our ſaid commiſſion anent the patronage of Kirks, rights, infeftments of our Propertie and Principalitie, Regalities, Heritable offices, and Changed tenour of holdings in blenſh, or taxt Wards, are not as yet begun to be handled and treated, and cannot poſſibly be finiſhed and cloſed, before the expiring of the time and yeares of the interruption allowed by the ſaid Act. And becauſe we will not ſuffer our ſelf nor our ſucceſſors to be prejudged, by delay of the execution of the ſaid commiſſion, of the lawful actions competent to Us and them for reducing ſuch rights of the premiſſes, unto the which we have undoubted intereſt; And ſeeing a multitude cannot be commodiouſly ſummoned and warned perſonally, and at their dwelling places, in ſo ſhort time as is to run of the ſaid time of preſcription: Therefore, and for preſervation of our rights and actions competent to Us and our ſucceſſors anent the premiſſes, neceſſarie it is, that ſome ſolemne Act be done by Us, to teſtifie our will and reſolution, to proſecute our ſaid actions in the owne time, if the ſame be not taken away and removed by the ſaid commiſſion, which we thinke cannot be more properly and conveniently done, nor by inſerting of that our declaration in your books of Seſſion, and directing of Letters of publication thereupon, Certifying all our Lieges who have intereſt in the premiſſes, by open proclamation at the market croſſe of *Edinburgh*, and other places needful, of that our pleaſure, and declaration: And that the ſame be declared by you, to have the ſtrength, force, power, and vertue of a legall and perfect interruption. And therefore, We require you immediately after the ſight hereof, to cauſe inſert theſe preſents in your bookes of Seſſion, and to declare the ſame to have the force of a legall and lawful interruption, and to direct Letters of publication thereupon, in forme as effeir is Which not doubting you will doe, We bid you fare-well. From our court, at *White-hall*, the twentie ninth day of November, 1629 yeares. with the Which Letter, tenor, contentes, and deſire thereof, after the ſame with the Act of Parliament whereunto it is relative, were read in their whole preſence, The ſaid Lords being well and ripely adviſed, and having conſidered the juſtice and equitie of his Majeſties will and declaration contained therein, They have ordained, and ordaine the ſaid letter and declaration therein contained to be inſert

ſert and regiſtrate in their bookes of *Sederunt*; and ordaine letters of publication to be direct and paſſe thereupon, certifying all his Majeſties Lieges, who have intereſt, by open proclamation at the market Croſſe of *Edinburgh*, and other market Croſſes of the Kingdome, where the lands, Baronies, and others lye, or where the perſons and ſubjects dwel and remaine, againſt whom the ſaid declaration is to have effect of a legal interruption in manner following. And by open Proclamation at the ſaid market Croſſe of *Edinburgh*, Pier and ſhore of *Leith*, for all ſuch of his Majeſties ſubjects as are forth of this Realme, Of his Majeſties pleaſure, will and declaration, and of the ſaids Lords their decreet and authoritie interponed thereto. Like-as the ſaids Lords declare, That the ſaid declaration regiſtrate, as ſaid is, and to be publiſhed in manner foreſaid, Shall have the ſtrength, force and power of a legall and perfect interruption againſt all parties having intereſt, and that in ſo farre alennerly as may be extended to the particulars following, *viz.* To his Majeſties annexed propertie, and his Majeſties propertie unannexed, whereof the ferme duties or few-fermes have beene compted in his Majeſties Exchequer, ſince the moneth of Auguſt, 1455. yeares, and unlawfully diſponed by his Majeſties Predeceſſors againſt the Acts of Parliament, and Lawes of the Kingdome: And to the principalitie unlawfully diſponed againſt the Acts of Parliament and Lawes of this Kingdome: And to the reduction of whatſoever erections, of whatſoever benefices, Spiritualitie and Temporalitie thereof unlawfuly diſponed againſt the Laws and Acts of Parliament: And to the reduction of whatſoever patronages of Kirks, pertaining to his Majeſtie and his Predeceſſors, and unlawfully diſponed by them againſt the Acts of Parliament: And againſt unlawful diſpoſitions of whatſoever Teinds, Lands, and Rents doted to Hoſpitals, and maſondieus, and unlawfully diſponed againſt the Acts of Parliament: And againſt Regalities and Heritable Offices unlawfully diſponed, contrary to the Acts of Parliament: And againſt all changed tenours of holdings from ward to blenſh or taxt ward, granted by the Kings and Princes in their minorities, and not granted or ratified by any King or Prince being major. With this declaration like-as the ſaids Lords declare, that the ſame ſhall not prejudge any perſon whatſoever of their lawful defences competent to them, againſt any action to be intended hereafter at his Majeſties inſtance, and his ſucceſſors, except in ſo far as concernes the ſaid Act of preſcription, whereupon the ſaids Lords declare, that no exception ſhall be found in prejudice of his Majeſtie, and his Succeſſors concerning the premiſſes.

ACT XIII.

Anent Regalities of Erections.

OUR SOVERAIGNE LORD, With advice and conſent of the Eſtates of Parliament, Ratifies and approves that head and article of the Act of Parliament made in the moneth of July, 1587. years, 29. cap. anent the annexation of the temporalitie of benefices to the Crown, whereby the right and priviledge of regalitie, which pertained to whatſoever Abbacie, Priorie, Prioreſſe, or other benefice whatſoever, is annexed to the Crown: with this declaration, That the heirs of the vaſſals of the heritable tennants ſhall be entred by briefes forth of his Majeſties Chancelarie, to be direct to the Proveſt and Baillies of the Burrowes of the ſaids Regalities. But prejudice alwaies to heritable Baillies and Stewarts of the ſaids regalities, their heirs and ſucceſſors, of their rights and infeftments granted to them of the ſaids Baillieries and Stewartries of Regalitie, which ſhall remaine with them in the ſame condition they were before the ſame Act of annexation, except in the change of their Superior, *viz.* in the Kings Majeſtie, and his Succeſſors, who in all times thereafter ſhall be their ſuperiour, as in the ſaid Act of Parliament of the date foreſaid, at more length is contained.

AND farther, his Majeſtie, with conſent of the Eſtates of Parliament, caſſes, annuls, retreats and reſcinds all rights and titles made and granted by his Majeſtie, or his Majeſties umwhile Father, or by umwhile Queene *Marie* his Grand-mother, to whatſoever perſon or perſons, of the right and priviledge of Regalitie, pertaining to whatſoever Abbot, Pryor, Pryoreſſe, Preceptor, or other beneficed perſon whatſoever, at any time preceeding the date hereof: And declares the right and title of all and whatſoever Regalities within the Kingdome, which pertained to whatſoever benefice particularly or generallie above ſpecified, at any time preceeding the general annexation of Kirk-lands, without reſpect to any exception mentioned in the ſaid Act of annexation, to pertaine to his Majeſtie and his Succeſſors in all time comming. Reſerving alwaies to all heritable Baillies and Stewarts of the ſaids Regalities, their rights and infeftments of the ſaids Baillieries and Stewartries, granted to them by the ſaids beneficed perſons, at any time preceeding the date of the erections of the ſaids Abbacies, Priories, and others foreſaid in Temporal Lordſhips. And it is declared, that theſe preſents ſhall no waies be extended to the right of Regalitie of whatſoever Lands, and Superiorities, pertaining to the Arch-biſhops and biſhops of this Kingdome, by vertue of their gifts and proviſions, granted to them or their predeceſſors thereupon, which ſhall remaine with them unhurt or prejudged by this preſent Act.

AND alſo it is declared, decerned and ordained, that the lands and Baronie of *Browghtoun*, comprehending the Towns, lands, burgh in baronie, milnes, and others mentioned in the infeftments granted by his Majeſtie under his Highneſſe great Seale, To his Highneſſe right truſtie Couſin and Counſeller

Robert Earle of *Roxburgh*, of the date, the day of one thousand, six hundred, thirtie years, shall not be comprehended herein, excluding the same allutterly there-from, To remaine with the said Earle, his Heires and Successors, after the forme and tenour of the Infeftments made to him and his authors of the same.

ACT XIV.

Anent Superiorities of Kirk-lands.

OUR SOVERAIGNE LORD, With advice and consent of the Estates of Parliament findes, declares, and ordaines, that his Majestie and his Successors, have and shall have good and undoubted right to the superiorite of all and sundrie Lands, Baronies, Milnes, woods, fishings, Towers, Fortalices, manour places and whole pertinents thereof, pertaining to whatsoever Abbacies, Priories, Prioresses, Preceptories, and whatsoever other Benefices, of whatsoever Estate, degree, Title, Name, or designation the same bee of, Erected in Temporal Lordships, Baronies, or livings, before or after the generall annexation of Kirk-landes, made in the Moneth of July, one thousand, five hundred, fourscore and seven years, And to the whole casualities of the saids superiorities, not disponed before the date of the generall Commission, which is of the date at *White-hall*, the seventeenth of Januarie, 1627. yeares; And also to the whole Few-mails, Few-fermes, and other rents and duties of the saids superiorities, of all yeares after the date of the said Commission: Reserving to such Lords and Titulars of Erections who have subscribed the general Surrender, the Few-mails, and Few-fermes of their saids superiorities, ay and while they receave payment and satisfaction of the sum of one thousand markes usual money of Scotland, for ilk Chalder of Few-ferme victual over-head; And for ilk hundreth markes of Few-mails, and for ilk hundreth markes worth of all other constant rent of the saids superiorities (not consisting in victual or money, and not being naked service of Vassals) according to the tenour of his Majesties general determination, and conform to the conditions therein contained, which are holden as repeated and expreſt here. And sicklike with this declaration, that these presents shall be without prejudice to the saids Lords, and Titulars of erection, of whatsoever Lands, Baronies, Woods, Fishings, Manour-places, Milnes, Multors, and others of the said erected Benefices, pertaining to those who have Surrendred, as said is, in propertie; And whereof they had the right of propertie, the time of the said general surrender acquired by them, either before or since the saids erections, by whatsoever maner of way according to the Lawes of the Kingdome. Providing they hold the said propertie of his Majestie and his Successors, as the same were holden before the date of the saids erections, And for payment of the Few-mails, Few-ferms, and other duties mentioned in the old Infeftments of the saids lands before the date of the saids erections.

AND His Majestie and Estates declare all rights and deeds whatsoever granted by his Majestie, or his umwhile deareſt Father, or Grand-mother, Queene *Marie*, to whatsoever Titulars of Erections which may prejudge his Majestie and his Successors, in the peaceable brooking, joying and possessing of the saids Superiorities, and whole benefit thereof above-specified (under the exceptions alwaies and provisions above-written) To be null, and of none avail, force nor effect by way of action, exception, or reply: And also findes and declares that the saids Lords and Titulars of erection shall hold their propertie and proper lands, Of his Majestie and his Successors, as the same were holden before the date of the saids erections. And for payment of the Few-mails, Few-fermes, and other duties mentioned in the old Infeftments of the saids Lands granted to them and their authors before the date of the saids erections: IT IS alwayes provided, and declared, that these presents, nor no clause therein contained, shall be extended to the superiorities of whatsoever lands, Baronies, and others, pertaining to whatsoever Archbishop, Bishop, and their Chaptors: but that the same shall remaine with them and their Successors unhurt or prejudged by this present Act.

ACT XV.

Anent his Majesties Annuitie of Teinds.

OUR SOVERAIGNE LORD, And Estates of Parliament, Ratifies and approves the Act of the General Commission of Teinds and Surrenders, Of the date at *Holy-rude-house* the twenty ninth of May, 1627. years, whereby it is found and ordained, That his Majestie and his Successors shall have the constant rent and dutie following, payed out of the Teind Bolls of Victual, And out of the Bodie of the rest of the Teinds of the Kingdome redacted in money, Except the Teind-bolls and silver payed to the Bishops, being the rent pertaining to them, in the Estate wherein the same is presently payed or presently payable to them: And except the Teind-bolls and silver payed to Ministers in name of stipend for serving the cure; and to the Colledges, Hospitals, and other pious uses: That is to say, Of every Teind-boll of the best Wheat ten shillings; Of everie Boll of the best Teind-beare, eight shillings; And of everie Boll of the best Teind Oates, meale, peaſe and rye, six shillings: And where oates are of that

that nature that they will not render above half meale, the rent to be three ſhillings: And where the bolls of victual are of inferiour goodneſs, worth and price nor the beſt, That his Majeſties annuitie forth thereof ſhall be modified proportionally. And where the rent doth not conſiſt in victuall but in money, that his Majeſtie and his Succeſſors ſhall have of every hundreth marks of Parſonage and Vicarage teind, not conſiſting in victual rent, the ſumme of ſix markes money. Together with the Act of the ſaid commiſſion of the date at holy-rudehouſe, the eight of Auguſt, 1628. Whereby it is ordained, that the payment of the ſaid annuitie ſhall have the beginning of the crop and yeare of God, 1628. Together with another Act of the ſaid commiſſion, of the date at Holy-rudehouſe the fourteenth day of July, 1630. Whereby letters of horning are ordained to be direct at the inſtance of his Majeſties Theſaurer, for payment of the ſaid annuitie of the crops, 1628 and 1629. And yearly in time comming. Together with an Act of the convention of the Eſtates, of the date at Holy-rudehouſe the twentie ninth of July, 1630 yeares, whereby the ſaid Eſtates have ratified and approved the ſaid Act of the date and and tenour foreſaid, anent letters of horning, to be direct at the inſtance of his Majeſties theſaurer, for payment of his Majeſties annuitie of the crops and years of God, 1628 and 1629. And yearly in time comming. And ſicklike ratifies and approves the Act of the ſaid commiſſion, of the date the twentie third of March, 1631 years. Whereby it is ordained, that in all teinds which ſhall be unvalued betwixt and the firſt of Auguſt thereafter, that the heritor ſhall pay his juſt teind according to the fifth part of the preſent rent, ay and while the conſtant rent be determined. And whereby it is ſtatute and ordained, that his Majeſtie ſhall have right to uplift his annuity according to the ſaid fifth part of the preſent rent, ay and while the ſaid conſtant rent be determined, Together with another Act of the ſaid Commiſſion of tiends and ſurrenders of the date at Holy-rudehouſe the fourteenth of December, 1631 yeares. And ratified by the Lords of ſecret Councell upon the twentieth day of the ſaid month of December. Whereby it is ſtatute and ordained for an *interim*, that the annuitie of teinds, conſiſting in victual, ſhall be payed to his Majeſtie of all yeares by gone, and in time coming conforme to the tenour of the ſaid laſt Act: And that according to the juſt and true prices of the victual in ilk part of the Country, compting for ilk hundred markes of the prices of the ſaid victual being redacted in money ſix markes for his Majeſties annuitie. Which Act is thereafter upon the twentieth of December, 1631. ratified by the Lords of ſecret Councel, And letters of horning and poynding ordained to be direct thereupon; and thereafter ratified by the Lords of Exchequer upon the twentie third of the ſaid moneth of December. And his Majeſtie and Eſtates Statute and ordaine the ſaid annuitie forth of the teinds to be payed to his Maieſtie and his Succeſſors, of the ſaid crop and year of God, 1628. And of all yeares ſenſine and in time comming. And that aſwell out of the unvalued as valued teinds conforme to the tenours of the ſaid Acts of convention, ſecret Councel and Exchequer. And ordaines letters of horning and poynding to be direct by the Lords of his Majeſties Exchequer at the inſtance of his Majeſties Theſaurer, principal and depute, for payment of the ſaid annuitie of all years by gone and in time comming. And ordaines the Lords of his Majeſties Exchequer, to ſit at all convenient times for granting and diſcuſſing of ſuſpenſions, touching the ſaid annuitie of teinds. It is alwaies declared, that the laſt clauſe and article contained in the ſaid Act of annuitie, whereby the Commiſſioners thinke fit that the ſaid annuitie of teinds ſhall bee annexed to the Crowne, is no waies ratified by this preſent Act, nor no clauſe thereof. And that his Majeſtie takes to his own gracious conſideration what to do thereanent in whole or in part, as his Majeſtie in his royall wiſdome ſhall thinke moſt expedient. And whatever his Majeſtie ſhall do now or hereafter thereanent, ſhall be as valid and effectual, as if the ſame had been particularly expreſt in this preſent Act.

ACT XVI.

Anent Vaſſals Holding Ward.

OUR SOVERAIGNE LORD, And Eſtates of this preſent Parliament, ratifie and approve the Act of Parliament made by his Majeſties umwhile Father, of eternal memorie, 18, Parliament, cap. 12. Intitulate, Act anent ſetting of fewes to ſub-vaſſals of ward lands in the whole heads and articles thereof. And farther, his Majeſtie with conſent of the ſaid Eſtates, hath extended and doth extend the ſaid Act of Parliament and benefit thereof, in favour of his ſacred Majeſtie and of the Prince of Scotland and their Succeſſors in all time coming: And ſtatutes and ordains, that it ſhall no wayes be lawful to whatſoever Vaſſals, holding lands of his Majeſtie or of the Prince of Scotland, or of any Duke, Marqueſſe, Earle, Vicount, Lord, Prelate, Baron, or any other perſon whatſoever, holding their land of their Superiours by ſervice of ward and reliefe, to ſet their ſaid lands, baronies, milnes, fiſhings, or any other lands or heritages whatſoever, holding ward, as ſaid is, To any other perſon or perſons in Few for payment of a Fewferme dutie, or in any manner of holding, in prejudice of the ſaid ward holding, without ſpecial advice and conſent of their ſuperiours, of whom they hold the ſame *reſpective*: And reſcinds and annulls all former Acts of Parliament of whatſoever date or tenor, which may in any ſort derogate to this preſent Act. And findes & declares that all & whatſoever inteſtments to be granted otherwiſe, without conſent of the ſaid ſuperiours *reſpective*, or their confirmation obtained thereto, doth nowayes ſtop the ward of the ſaids lands, nor hinders the courſe of re-

nition vacand, or which ſhall happen to vake in the ſuperiours hands, in-caſe of alienation of the ſame either of the whole, or of the moſt part thereof, according to the courſe of the common Law, without conſent of their ſuperiours, but prejudice to their ſaid ſuperiors *reſpective*, and their Succeſſors, of the benefit of the ſaid Act of Parliament, 1606: whereby all ſuch infeftments and grants without conſent, as ſaid is, are declared to be null by way of action, exception, or reply. Which clauſe ſhall ſtand in favour of his Majeſtie, and in favour of the Prince, and their Succeſſors, and other ſuperiors *reſpective* foreſaid; ſicklike, and in the ſame manner as if the ſaid clauſe were inſert in this preſent Act, and this Act ſhall not be extended to deeds lawfully done in time by-gone, before the date of this preſent Act, but only *ad futura*.

ACT XVII.

Anent the Rate and Price of Teinds.

FOR-SO-MUCH As OUR SOVERAIGNE LORD out of his Royal and Fatherly care, tendering the publique good of this his ancient Kingdome, did immediately after his happie attaining to the Crown, publiſh and give forth his Royal declaration anent the reforming of the abuſes uſed in leading of teinds, wherein his Majeſties umwhile Father, of Eternal and bleſſed memorie, laboured ſo much in his time, and for proviſion and maintenance of Kirks, and other pious uſes forth of the ſaids teinds: And now his Majeſtie being by Gods gracious providence preſent in his Royal Perſon within this his Majeſties ancient Kingdome, and holding this his firſt Parliament of his whole Eſtates of the ſame, with whom his Majeſtie hath adviſed and reſolved, to put that glorious work anent the Teinds to a full perfection.

THEREFORE, His Majeſtie with conſent of the three Eſtates, by theſe preſents ſtatutes, ordaines, and declares, that there ſhall be no Teind-ſheaves, or other Teinds, Perſonage or Vicarage led and drawn within the Kingdome, but that each heritour and Life-renter of Lands ſhall have the leading and drawing of their owne Teind, the ſame being firſt truely and lawfully valued, and they paying therefore the price after-ſpecified, incaſe they be willing to buy the ſame: or otherwiſe paying therefore the rate of Teind after-ſpecified. Like-as his Majeſtie and Eſtates find and declare, that the juſt and true rate of Teinds, is and ſhall be the fifth part of the conſtant rent which each land payeth in ſtock and teind where the ſame are valued joyntly, and where the Teinds are valued apart and ſeverally, that the juſt rate thereof, is and ſhall be ſuch as the ſame is already or ſhall be hereafter valued, and proved before the ſaids Commiſſioners or Sub-commiſſioners, deducing the fifth part thereof for the eaſe of the heritors, reſerving alwayes liberty to ſuch as ſhall finde themſelves enormely hurt by the leading of the ſaids Valuations, to purſue for rectifying of the ſame, before the Commiſſioners appointed by his Majeſtie and Eſtates for that effect. And alſo his Majeſtie, with conſent of the three Eſtates, findes and declares, that the price of all Teinds which may be ſold and annalied, conſiſting either in money, victual, or other bodies of goods, is and ſhall be ruled and eſtimate according to nine yeares purchaſe, the prices of victual and other bodies of goods whereof the Teind conſiſts, being redacted in money, according to the worth and price of victual and goods in each part of the Countrey, to the which the ſame is, and ſhall be prized and eſtimate by his Majeſties Commiſſioners already appointed or to be appointed to that effect. And findes and declares that each Heritor in the Kingdome, being willing to buy his owne Teind from the Titulars, having power to ſell the ſame, ſhall be obliged to buy the Teinds of his own lands, except ſo much as ſhall be locally aſſigned to the Miniſter, ſerving the cure of the Kirk, for his maintenance, and to pay the prices foreſaid, betwixt and the terme of Martinmaſſe, in the yeare of God, 1635. zeares, where the Valuation of the Teinds is made and approved before the date hereof, and where the ſame is not yet valued and approved within the ſpace of two yeares after the ſame be valued and approved by the Commiſſioners, to be appointed by his Majeſtie and Eſtates to that effect: after the expiring of the which time, his Majeſtie and Eſtates declare that the ſaids titulars ſhall not be compelled to ſell the ſame, except they doe it of their own good will and conſent. With this declaration alwayes, that incaſe the impediment of not ſelling, induring the ſpace foreſaid, flow from the Titular by reaſon of his minority or other inhabilitie, in that caſe the Heritor who offereth himſelfe ready to buy his own Teind within the ſpace foreſaid, ſhall have place ſo ſoone as the impediment is removed, to buy his Teinds, notwithſtanding of the expiring of the yeares and ſpace above-expreſſed. And it is declared, that if the Heritor be minor, and his Tutors neglect the buying of his Teinds within the ſpace foreſaid, the minor ſhall have action againſt his Tutors *pro damno & intereſſe*, but no action to compel the titular after the expiring of the ſpace foreſaid, for ſelling of the ſaids Teinds: And where the ſaids Teinds are coſt by the Heritors, as ſaid is, finde that the Heritor ſhall be obliged to give to the Life-renter of the ſaids lands, having right thereto by contract of marriage, Life-rent, Infeftment, Conjunct-fee, or Reſervation forth of the Infeftment of Fee, the leading of the Teinds of their ſaids Life-rent Lands, for payment of the rate of the Teind of the ſame. And ſicklike finds that in all caſes where Teinds are not coſt, that the Heritors or Life-renters of Lands, who have the leading of their own Teinds by themſelves, their Tennants, and others in their name, ſhall be obliged to pay to the Titulars of Teinds the yearly rate thereof, according to the valuation of the ſame made or to be made, and to give ſecuritie thereof, according to the order ſet down

and

and preſcribed by the Commiſſioners of ſurrenders and Teinds, or to be ſet down by the Commiſſioners appointed, or to be appointed by his Majeſtie with conſent of the Eſtates of this preſent Parliament, deducing ſo much thereof as ſhall be aſſigned to the Miniſter for his maintenance. IT IS alwayes declared, whether the ſaids Teinds be ſold or not, his Majeſtie ſhall have his annuitie forth of the ſame, according to the Tenor of the Act of Annuitie: And becauſe ſundrie queſtions may ariſe both anent the Valuation of Teinds, and Price of the ſame in divers parts of the Countrey, and anent the ſecurities to be made by the Titulars to the Heritors who buy their Teinds, and by the Heritors to the Titulars of the price to be payed for the ſame where the Teinds are coſt, or for payment of the rate of Teind where the ſame is not coſt: And ſicklike anent the proviſion of the Kirkes, with competent maintenance, and for diviſion of the price of Teinds betwixt the Heritors and Life-renters, and rectifying of Valuations already led to the enorme hurt and prejudice of theſe, having intereſt. THEREFORE His Majeſtie and Eſtates have referred, and refer the determination of the ſaids particulars, and all others concerning the Teinds to the Commiſſioners appointed by his Majeſtie and Eſtates in this preſent Parliament. IT IS alwayes declared, that this preſent Act ſhall be no farther obligatory againſt whatſoever Arch-biſhops, Biſhops, Parſons, Vicars, and other beneficed perſons, being Miniſters, nor their Succeſſors, but according to the proviſions and conditions expreſſed in the ſubmiſſion, made by the Biſhops to his Majeſtie, which is of the date the day of 1628. yeares, and regiſtrate in the Bookes of Commiſſion of Surrenders and Teinds, upon the thirteenth day of July, 1631. yeares: Which proviſions and conditions are holden as expreſſed herein. And alſo it is declared, that the Vicarages of each Kirk being a ſeveral Benefice and Title from the Parſonage, ſhall be ſeverally valued, to the effect the Titulars or Miniſters ſerving the cure, who have right to the ſaids Vicarages, be not fruſtrate of the true worth of the ſaids Vicarages.

ACT XVIII.

Anent the Exchequer.

OUR SOVERAIGNE LORD, and Eſtates of this preſent Parliament, ratifie and approve that head and clauſe of Parliament, made upon the twentie two day of May, 1584; Whereby his Majeſties umwhile Father of Eternal memorie, with conſent of the Eſtates, hath appointed and ordained, that all cauſes concerning his Majeſties property, whether the ſame be ſuſpenſions, letters conforme, breaking of arreaſtment, deforcement of Officers in the premiſſes, or any thing depending thereupon, ſhall be diſcuſſed before his Majeſties Exchequer in the Exchequer-houſe. And ſicklike, his Majeſtie with conſent of the Eſtates, ſtatutes and ordaines, that the Lords of Exchequer appointed, or to be appointed by his Majeſtie, ſhall have undoubted power, warrant, and authoritie, to ſit, cognoſce and decide in all the foreſaids cauſes, concerning his Majeſties propertie, and others depending thereupon: And alſo in all cauſes concerning his Majeſties annuitie forth of the Teinds, and ordaines them to ſit at all convenient times for paſſing and diſcuſſing of ſuſpenſions, and for deciding of all other actions concerning the ſaid propertie and annuitie of Teinds. And to direct letters of horning and poynding, and other execution neceſſary upon the decreets pronounced by them, of or concerning the premiſſes, and the horning to paſſe upon a ſimple charge of ten dayes, upon this ſide of the water of *Dee*: And upon twenty dayes by North *Dee* allenerly, at the diſcretion of the ſaids Lords of Exchequer.

ACT XIX.

Commiſſion for Valuation of Teinds not valued, rectifying the Valuations of the ſame already made, and other particulars therein contained.

FOR SO MUCH As OUR SOVERAIGNE LORD, immediately after his happy attaining to the Crown of this his Ancient and Native Kingdome, did out of his Royal and Fatherly care to the publique good thereof, give forth his Royal declaration, anent the reforming of the abuſes uſed in leading of Teinds, and for proviſion and maintenance of Kirks and other pious uſes forth of the ſaids teinds. And alſo for reſtoring the Crown to the ſuperiorities of whatſoever benefices and temporalities thereof erected in temporal livings, and againſt other prejudices and detriments done to the Crowne, mentioned in the ſaid declaration. And albeit his Majeſtie hath beene ſtill urging and following the performance of the particulars foreſaid theſe five yeares by-gone, or thereabout, by Commiſſions direct by his Majeſtie under his great Seale, to that effect, wherein there hath beene good progreſſe made, yet the ſame could not take a full end without the authoritie of a Parliament: Like-as his Majeſtie out of his earneſt and tender affection to the publique good of this his native Kingdome; And for advancing the ſaids great and glorious works intended by his Majeſtie, as ſaid is, hath taken the pains to come hither in his Royal perſon, where his *Majeſtie* being preſent in ſolemne Parliament, with his three Eſtates of his ſaid ancient Kingdome: Have reſolved and concluded upon the particular Acts and Statutes after following, tending to the publique good, peace, eaſe, and com-

comfort of his ſaid Kingdome and ſubjects thereof: *viz.* His Majeſtie and Eſtates foreſaid have ratified the Act of Commiſſion of ſurrenders and teinds, of the date at *Holy-rude-houſe* the twentie ſixth day of June, 1617. yeares, whereby it is found meete and expedient, that the loweſt proportion for maintenance of Miniſters ſhall be eight chalder of victual, or eight hundreth markes proportionally, except ſuch particular Kirkes occurre, wherein there ſhall be a juſt, reaſonable, and expedient cauſe to go beneath the foreſaid quantitie; And hath referred the conſideration of the reaſons and cauſes thereof to the Commiſſioners to be choſen by his Majeſtie, with conſent of the Eſtates in manner contained in the ſaid Act. Like-as alſo his Majeſtie and Eſtates by another Act and Ordinance, hath ſtatute, ordained, and declared that each Heritor and Life-renter of Lands *reſpective*, ſhall have the leading and drawing of their owne teinds, the ſame being firſt truely and lawfully valued, and they paying therefore the price after-ſpecified, in-caſe they be willing to buy the ſame, or otherwiſe, for the yearly payment of the rate of Teinds after-ſpecified. Like-as his Majeſtie and Eſtates have by the ſaid Act, found and declared, that the true and juſt rate of Teind is, and ſhall be the fifth part of the conſtant rent, which ilk land payes in Stock and Teind where the ſame are valued joyntly. And where the Teinds are valued apart and ſeverally, that the juſt rate thereof is and ſhall be ſuch, as the ſame is alreadie by vertue of the former general Commiſſion of Surrenders and Teinds proved and valued to, Or elſe ſhall be hereafter valued and proved before the Commiſſioners to be appointed by his Majeſtie with conſent of the Eſtates, deducing the fifth part thereof for the eaſe of the Heritors: Reſerving alwaies libertie to ſuch as ſhall finde themſelves enormely hurt by the leading of the ſaids valuations, to purſue for rectifying of the ſame before the ſaids Commiſſioners to be appointed by his Majeſtie and Eſtates foreſaid; like-as his Majeſtie and Eſtates have by the ſaid Act found and declared, that the price of all Teinds which may be ſold and annalied, conſiſting either in money, victual, or other bodies of goods, is, and ſhall be ruled and eſtimate according to nine yeares purchaſe. The prices of victual and other bodies of goods, whereof the Teinds conſiſt being redacted in money according to the worth and prices of victual and goods in ilk part of the Countrie, To the which the ſame is and ſhall be prized and eſtimate by the ſaid former Commiſſions of Surrenders and Teinds, or by the Commiſſioners to be appointed by his Majeſtie, with conſent of the Eſtates: And alſo have found and declared, that ilk Heritor in the Kingdome being willing to buy his own Teind from the Titulars, having power to ſell the ſame, ſhall be obliged to buy the Teynd of his own Lands, except ſo much as ſhall be locally aſſigned to the Miniſter ſerving the Cure for his maintenance: And to pay the prices foreſaid to the Titulars betwixt and the particular times and diets expreſt in the ſaid Act. And alſo have found that the Heritors ſhall bee obliged to give to the Life-renter of the lands, the leading of their own teinds for payment of the rate of Teind of the ſame. And alſo have found, that in all caſes where Teinds are not coſt, that the Heritors or Life-renters of lands who have the leading of their own Teinds by themſelves, their tennants, and others in their names, ſhall be obliged to pay to the Titulars of the ſaids Teinds the yearly rate thereof, according to the order ſet down and preſcribed by the former Commiſſions, or to be ſet down by the Commiſſioners to be appointed by his Majeſtie, with conſent of the Eſtates, deducing ſo much thereof as ſhall be aſſigned to the Miniſters for their maintenance.

AND Becauſe ſundrie queſtions may ariſe anent the valuations of Teinds and prices thereof, and anent the ſecurities to be made by the Titulars to the Heritors who buy their Teinds; and by the Heritors to the Titulars of the price to be payed for the ſame, when the Teinds are coſt, or for payment of the rate of Teind where the ſame is not coſt; And anent the proviſions of the Kirkes, with competent maintenance, and other particulars mentioned in the ſaid Act. THEREFORE His Majeſtie and Eſtates, by the ſaid Act did referre the determination thereof to the Commiſſioners to be appointed by his Majeſtie and Eſtates, With theſe declarations alwaies, that his Majeſtie ſhall have his annuitie payed forth of the Teinds according to the tenour of the ſaid Act of annuitie; And that the Archbiſhops, Biſhops, Parſons, Vicars, and other beneficed perſons being Miniſters, and their Succeſſors, ſhould be no farther obliged in any of the premiſſes, But according to the proviſions and conditions expreſt in the ſubmiſſion made by the Biſhops to his Majeſtie, which is of the date the day of 1628. years. And regiſtrate in the ſaids Books of Surrenders and Teinds, upon the thirteenth of July, 1631. yeares. And that the Vicarages of ilk Kirk being a ſeveral Benefice and Title, ſhould be ſeverally valued, to the effect the Titulars and Miniſters ſerving the Cure, who have right to the ſaids Vicarages, ſhould not bee fruſtrate of the true worth of the ſaids Vicarages. And ſicklike, His Majeſtie and Eſtates by another Act have found and declared, that his Majeſtie and his Succeſſors have and ſhall have undoubted right to the ſuperiorities of whatſoever erections, Few-mails, Few-fermes, and other caſualities thereof, Reſerving to ſuch Lords and Titulars of erection who ſubſcribed the general Surrender, the Few-mails, and Few-fermes of their ſaids Superiorities, ay and while they receave payment and ſatisfaction of the ſumme of one thouſand markes uſual money of Scotland, for ilk Chalder of Few-ferme victual; and for ilk hundred markes of Few-mails, and for ilk hundred markes of all other conſtant rent of the ſaids Superiorities, not conſiſting in victual or money; and not being naked ſervice of vaſſals, according to the tenour of his Majeſties general determination; and conforme to the conditions therein contained, as in the ſaids three Acts of this preſent Parliament at more length is expreſt.

AND

AND Forasmuch as it is necessarie for determination of the particulars foresaid, and of all such other points which are fit and expedient for the finishing and full perfection of the said glorious worke, anent the teinds, maintenance of Ministers and others foresaid, That a commission be granted by his Majestie, with consent of the Estates, and by authority of this present Parliament: THEREFORE His Majestie, with consent of the said Estates, hath granted, and by these presents granteth full power and commission to the persons after sollwing: To wit, Nine of the Clergie, nine of the Nobilitie, nine of the small Barons, and nine of the Burgesses; Together with my Lord Chancellour, and eight officers of Estate, viz. *George* Earle of *Kinnowll Chancellour*, *William* Earle of *Morton Thesaurer*, *Iohn Archbishop* of *Saint Andrews*, *Thomas* Earle of *Hadingtown Lord Privie Seale*, *Patrick Archbishop* of *Glasgow*, *William* Earle *Marshal*, *George* Earle of *Wintown*, *Iohn* Earle of *Perth*, *Iohn* Earl of *Kinghorne*, *William* Earle of *Dumfreis*, *William* Earle of *Sterling Secretary*, *David* Earle of *Southask*, *Iohn* Earle of *Traquair Thesaurer Depute*, *Iohn* Earle of *Weymes*, *Archibald Lord Napier*, *George Lord Corstorpheine*, *Alexander Bishop* of *Dunkell*, *Iohn Bishop* of *Murray*, *Iohn Bishop* of *Rosse*, *Adam Bishop* of *Dunblane*, *David Bishope* of *Brichen*, *Andrew Bishop* of *Argyll*, *George Bishop* of *Orknay*, Sir *Iohn Hay Clerke* of *Register*, Sir *Thomas Hope* Advocate, Sir *George Elphingstone Iustice Clerk*, Sir *Iames Galloway Master* of *Requests*, Sir *Robert Spotswood*, Sir *Iames Learmonth*, Sir *Iames Lokhart younger* of *Ley*, Sir *Iohn Charters*, Sir *Robert Grier*, *Iohn Boyll* of *Kelburne*, Sir *William Douglas* of *Cavers*, *The Laird* of *Inchemarteine*. *the* Laird of *Lugtown*; *Iohn Sinklar*, *Iohn Macknacht*, *Archibald Tod*, *Edward Edger*, *Master Alexander Guthrie*, *Gabriel Cuninghame*, *Robert Tailyeor*, *William Mickle-Iohn*, and *Master Robert Cuninghame*; or any fifteene of them, there being three of every Estate, with three of his Majesties officers of Estate. Of which number of fifteen, the Lords Chancellor, Thesaurer, and Privie seale, Archbishops of Saint-Andrews or Glasgow, Earle Marshall, and Earle of Wintown, or any one of them shall be one, to meet and conveene at *Holyrudehouse*, or *Edinburgh* at such times and places as they shall think fit; And there to prosecute and follow forth the valuation of whatsoever teinds, parsonage or vicarage within the Kingdome, which are as yet unvalued. And also to receive the reports from the Subcommissioners, appointed within ilke presbterie, of the valuation of whatsoever teinds, led and deduced before them, according to the tenor of the subcommisions direct to that effect. And to allow or dissallow the same, according as the same shall bee found agreeable or disagreeable from the tenour of their subcommisions. And also with power to rectifie whatsoever valuations, led or to be led, to the enorme prejudice of the titulars, and to the hurt and detriment of the Kirke, and prejudice of the Ministers maintenance and provisions, or of his Majesties annuitie. And for the better expeding and advancing of the said valuations, with power to appoint Committies, or Subcommitties of their owne number, To receive the reports of the said valuations made or to be made; And to receive, admit and examine witnesses, aud to take parties oathes, with their depositions, where the same is referred to oath; And to give such farther power to the said Committies or Subcommitties of their owne number, as they shall think fit for the good of the worke, and speedy finishing of the same; And sicklike, with power to them if need be, to appoint Subcommissioners, not being of their owne number within any parochin or presbyterie of the Countrie, for leading and deducing of the said valuations, and to receive the reports thereof, allow or disallow of the same: And generally with power to them, to set downe whatsoever other order or course which shall be thought fit and expedient for dispatch of the said valuations rectifying thereof or finall closing of the same. And sicklike, with power to the said Commissioners, or any fifteen of them, as said is, there being three of ilk Estate, with any one of the persons of the *quorum* above-specified, after the closing and allowance of the valuations of ilk Kirke aud Parochin, To appoint, modifie, and set downe a constant and local stipend and maintenance to ilk Minister, to be payed out of the tiends of ilk parochin, according to the tenour of the Acts above-specified. Referring like as his Majestie referres with consent of the said Estates, to the said commissioners, the tryal of the reasons and causes which may move the said Commissioners to goe beneath the quantitie of eight chalder of victual, or of eight hundred markes of money proportionally, in manner contained in the said Act. And sicklike, with power to the said Commissioners, to divide ample and spacious parochines, where the same shall be found necessarie and expedient, or to unite divers Kirks in whole or in part to others; And to ratifie and allow after tryal and consideration such union or dismembring of Parochines, as hath beene formerly made by vertue of the former Commisions. And sicklike with power to them, to appoint and provide for such other pious uses in each parochin, as the estate thereof may bear. And sicklike, with power to the said Commissioners, as said is, to take order that every heritor and life-renter of lands, shall have the leading of their own teinds, parsonage and vicarage thereof, they paying the price contained in the Act above-specified, incase they be willing to buy the same from the titular, having power to sell, or otherwise paying the rate of teind expreset in the foresaid Act; And to that effect, with power to the said Commissioners to set downe the prices of sellable teinds, according to the worth thereof in each part of the countrey, where the same grow and are bred; And also with power to them to set downe such good and ample securities, as may stand by law, both for the buyers of teinds, to the effect, the titulars may be fully denuded in their favour: And also for securitie to the titulars and sellers of the price due to be payed to them for the said teinds; And also to set downe the securitie in favour of the titulars and of the Ministers, so farre as concernes the maintenance assigned to them for good, thankful, and timous payment of the rate of teind, where the same are not, or cannot be sold. And sicklike with power to the said commis-

commiſſioners, to diſcuſſe and determine all queſtions which may ariſe betwixt the titulars and heritors anent the price of teinds, according to the nature and qualitie of the rights to be ſold, whether the ſame be heritable or temporal, and to proportionate the price accordingly; And alſo to divide the price of tiends betwixt heritors and life-renters, thereof; And betwixt titulars, tackſmen, and others who have ſeveral and diſtinct rights to the ſaid teinds ſellable, according to the qualitie of their rights: And alſo with power to them, to cauſe the titulars who ſell their ſaid teinds, to exhibit their rights and titles, to the effect that they may be lawfully denuded thereof, in favour of the ſaid heritors and life-renters *reſpective*, without prejudice alwayes to his Majeſties annuitie, to bee payed forth of the ſaid teinds by the ſaid titulars of teinds, or heritores, or life-rentars of lands, according to the tenor of the ſaid Act of annuitie; And generallie with power to the ſaid Commiſſioners, to decide and determine in all other points, which may concerne the leading and drawing of teinds, the ſelling and buying of the ſame, or payment of the rate thereof, contained in the Acts of Parliament above ſpecified, or ſet downe in his Majeſties general determination; with this proviſion and declaration alwayes, that the Archbiſhops, Biſhops, Parſons, Vicars, and other beneficed perſons, being Miniſters, and their ſucceſſors, ſhall be no farther bound but according to the proviſions and conditions expreſt in the ſubmiſſion made by the Biſhops to his Majeſtie, which is of the date the day of 1628 yeares, and regiſtrate in the bookes of commiſſion of ſurrenders and teinds, upon the thirteenthday of July, 1631: Which proviſions and conditions are holden as expreſt herein; And alſo with this proviſion, that the Vicarages of each Kirke being a ſeveral benefice and title from the Parſonage, ſhall be ſeverally valued, to the effect the titulars or Miniſters ſerving the cure, who have right to the ſaid Vicarages, be not fruſtrate of the true worth of the ſaid Vicarages; And ſicklike, becauſe by the Act above-ſpecified, made anent ſuperiorities of erections in favour of his Majeſtie, there is ſpecial reſervation made to ſuch titulars and Lords of erection, as have ſubſcribed the general ſurrender of the few-mails, few-fermes, and other conſtant rent of the ſaid ſuperiorities, aye and while they be payed of the price thereof contained in his Majeſties general detetmination, and according to the proviſions ſpecified therein. Therefore his Majeſtie and Eſtates give full power to the ſaid commiſſioners or any fifteene of them, as ſaid is, to call and conveen before them the Lords of erection, and others having right to the ſaid few-mails and few-fermes, and other conſtant rent of the ſuperiorities of Kirke-lands, at ſuch particular diets as they ſhall appoint, and to urge the ſaid Lords of erection and others foreſaid, to give up their rentals of their ſaid few-mails, few-fermes, and other conſtant rent foreſaid of their ſaid ſuperiorities, conforme to his Majeſties decrete and determination, given out there-anent; And with certification as is therein contained, and to liquidat the other conſtant rent of the ſaid ſuperiorities, not conſiſting in victual or ſilver: To the effect that after the full tryall of the ſaid rental and liquidation thereof, the ſaid Lords of erection may receive the price of a thouſand marks for each chalder of few-fermes, and for each hundreth markes of the other conſtant rent, being redacted in money in whole or in part proportionally, from his Majeſties Theſaurers, principal, or depute, and incaſe of the abſence and refuſal of the ſaids titulars and Lords of erection, that the ſame may be conſigned in the hands of the Clerke to the ſaid commiſſioners, to remaine conſigned for their behove; After the which conſignation, it ſhall be lawful to his Majeſties Theſaurers, principal or depute, to up-lift, receive, and intromet with the ſaid few-mails, few-fermes, and other conſtant rent foreſaid, of all yeares and termes after the ſaid conſignation, according to the tenor of the ſaid general determination; And alſo with power to the ſaid commiſſioners as ſaid is, to diſcuſſe aud determine all queſtions that may ariſe betwixt the ſaid Lords of erection and the heritors of the ground, penſioners, life-renters, and others pretending right to the ſaid few-mails, & few-fermes, and to divide the price amongſt them, according to the qualitie of their rights, and all other queſtions anent the few-mails, few fermes, and other conſtant rent foreſaid: Which by his Majeſties general determination is referred to the determination of the commiſſioners to be appointed to that effect; And whereas it may fall out that ſome of the commiſsioners now appointed by his Majeſtie and Eſtates, may be unable to attend the ſervice, through death, ſickneſſe, or ſome other notour and knowne impediments; Therefore his Majeſtie reſerves to himſelfe the nomination of ſuch other perſons in their places, as his Majeſty ſhall think fit, whom his Majeſtie by his letters ſhall recommend to the ſaid commiſsioners, to the intent they may receive and admit them upon the ſaid commiſsion, and take their oathes for faithful diſcharge of the ſame. And his Majeſtie and Eſtates ordaine this preſent commiſsion to endure unto the laſt day of December in the yeare of God, 1635 yeares: And farther induring his Majeſties pleaſure, and aye and while the ſame be expreſly diſcharged by his Majeſties warrand, or letter to that effect. And his Majeſtie with conſent of the Eſtates foreſaid, findes, declares, and ordains the Acts, decretes, and ordinances of the commiſsioners foreſaid, and of the other perſons, who ſhall be ſurrogate in their places by his Majeſtie in manner foreſaid, in the whole particulars above-ſpecified, and every one of them; To have the ſtrength, force, and authoritie of a decrete, ſentence, and Act of Parliament, and ordaines the Lords of Seſsion to grant and direct letters of horning, poynding, and others thereupon, upon a ſimple charge of ten dayes, or otherwiſe as ſhall be found neceſſary. Attour for clearing of all doubts and difficulties which may ariſe anent the rectifying of valuations, or other particular heads following: His Majeſtie and Eſtates have declared and declare, that where valuatious are lawfully led againſt all parties having intereſt, and allowed by the former commiſsioners according to the order obſerved by them, that the ſame ſhall not be drawne in queſtion nor rectified upon pretence of enorm leſion, at the inſtance of the Miniſter, not being titular, or at the inſtance of his Maje-

Majeſties

Majeſties Advocat, for and in reſpect of his Majeſties annuitie, exeept it be proved that colluſion was uſed betwixt the titular and heritor, or betwixt the procurator fiſcal and the titulars, and heritors, which colluſion is declared to be where the valuation is led, with diminution of the third of the juſt rent preſently payed, and which diminution ſhall be proved by the parties oathes. And ſicklike it is declared that the proviſions contained in the foreſaid ſubmiſſion made by the Biſhops, whereof mention is made in the foreſaid Act of tithes, and which is repeated in this commiſſion, ſhall be reſtricted to that whereof Archbiſhops, Biſhops, Parſons, vicars, or other beneficed perſons being Miniſters, Colledges, Hoſpitals, and other dorations to pious uſes were in actual and real poſſeſſion the time of the ſaid ſubmiſſion, which ſhall remaine with them in quantity and quality, according to the tenor of the ſaid proviſion: And if any queſtion ſhall ariſe betwixt the ſaid Arch-biſhops, Biſhops, Parſons, Vicars, and other beneficed perſons foreſaid anent the leading of teinds, that the ſame ſhall be referred to his ſacred Majeſtie, and to his Royal pleaſure to be ſignified thereanent. And alſo anent laick patronages pertaining to any his Majeſties ſubjects, before the yeare of God, 1561 yeares: His Majeſtie and Eſtates declare that the ſame falls within the compaſſe of the general ſubmiſſion made to his Majeſtie, And his Majeſties determination given thereupon, and that alennarly in ſo farre as concernes a competent maintenance, to be locally payed forth of each Church, to the Miniſter and his ſucceſſors; And anent the teinds of other mens lands; And anent the annuitie to be payed to his Majeſtie forth of the teinds of the ſaid Kirk: And as to the remanent teinds the ſame to pertaine to laick patrons in price or rate thereof in all caſes, where the foreſaid laick patrons were in poſſeſſion of the teinds thereof, by the ſpace of ſeven yeares within the fifteen yeares immediately preceding the date of the ſaid general ſubmiſſion: With this declaration, that where the titulars or the Miniſters provided to the ſaid laick patronages and Kirks thereof, were in poſſeſſion of the benefices foreſaid, and fruites and rents thereof, either by leading of the teinds, or by up-lifting and intrometting with the whole rents thereof, by the ſpace of ſeven yeares of fifteene yeares immediately preceding the ſaid ſubmiſſion; in theſe caſes, the difference betwixt the ſaid laick Patrons, and the Titulars, and Miniſters, ſhall be referred to his ſacred Majeſtie, and to his Royal declaration to be given there-anent, and ordaines all former commiſsions anent the premiſſes, to ceaſe in time coming, and this onely to ſtand in force in time to come.

ACT XX.

Anent the King His Deſignation of The Names to be inſert in the Commiſsions anent the Tithes and *Lawes.*

OUR SOVERAIGNE LORD, And Eſtates of Parliament, conſidering that the Deſignation of the particular perſons neceſſarie to bee ingroſt in the two ſevearl commiſsions granted in this preſent Parliament; The one anent the teinds; And the other anent the ſurvay of the Laws which was by the ſaid Eſtates referred to his ſacred Majeſtie. THEREFORE the ſaid Eſtates appoint and ordaine the clerke othis Highneſſe Regiſter to inſert in the ſaid two ſevreal commiſsions ſuch particular perſons names as his Majeſtie by his warrant, ſigned with his hand, ſhall appoint and ordaine to be inſert thereunto. For doing whereof declares this preſent Act to be als ſufficient a warrant to the clerke of Regiſter, as if the ſaid commiſſioners names had been now preſently inſert in the ſaid two ſeveral commiſſions by his Majeſtie and eſtates of Parliament.

ACT XXI.

Anent the Anwel of Eight to be taken of *ilk hundred in time to come alennerly, ſuſpending the ſame for three yeares, aud in the* interim *two of ten to be payed for the ſaid ſpace to his* MAIESTIE.

IN THE PARLIAMENT Holden at *Edinburgh*, upon the twentie eight day of June, the yeare of God 1633. For ſo much as his Maieſties Lieges and good Subjects are heavily oppreſt and burdened with exorbitant annual-rents, and intereſt taken for the uſe of money, far exceeding the rate and proportion taken in *England*, *France*, and other neighbour countries: THEREFORE His Majeſtie, with advice of the Eſtates, ſtatutes and ordains, that notwithſtanding of any former Act of Parliament, allowing ten pounds to bee taken for each hundreth pounds in a yeare: Yet that no perſon after the date hereof take more then eight pounds for the uſe of the hundreth pounds in a yeare, and ſo proportionally in leſſer or greater ſums, under the paines contained in the former Acts of Parliament made againſt uſurers.

AND forſomuch as his Majeſtie, out of his gracious goodneſs, with conſent of the Eſtates, hath reduced the intereſt and profit of money from ten of the hundred to eight, conforme to this preſent Act. Therefore the Eſtates of Parliament preſently conveened, being ſenſible of the great good enſuing thereby, to this whole Kingdome in all times to come; Make a voluntary aud humble offer to his Majeſtie, that of the ſaid ten payed by borrowers for each hundred, during the ſpace of three years next enſuing: Two ſhall

be payed to his Majeſtie, during the ſaid ſpace (by and attour the twentieth penny preſently payed to his Majeſtie in this preſent running Taxation) and that for the tearmes of Martinmeſſe next, 1633. yeares, and Whitſunday, 1634. yeares. And by and attour the ſixteenth penny of the extraordinary Taxation now preſently granted to his Majeſtie in this Parliament, to begin at Martinmaſſe 1634. yeares. And hereby it is declared, that thoſe who formerly borrowed moneys for eight of the hundred, ſhall be free of payment of the ſaid two of ten; for ſuch and the ſame quantities as they have formerly borrowed, and are preſently adebted by them, for payment of eight of the hundred allenerly: and thoſe who formerly borrowed for nine of the hundred, and are preſently owing by them, ſhall be only lyable to pay one to his Majeſtie of nine, during the ſaid ſpace, for ſuch and the ſame quantitie of ſummes, as were formerly borrowed at nine for the hundred.

And it is further declared, that thoſe who never borrowed moneys before the date of this Act, and ſhall happen to borrow any ſummes of money hereafter (they being equally participant of the benefite of the ſaid Act, and his Majeſties gracious favour thereby extended to them with his other Subjects) ſhall be ſubject in payment of the ſaid proportion of two of ten, during the ſpace of three years, as ſaid is: And ordains the ſenners to pay the ſame yearly and tearmly, during the ſaid ſpace of three years, together and in one ſumme, with the twentieth penny of this preſent running extraordinary Taxation, for the ſaid tearme of Martinmaſſe next, 1633. years, and Whitſonday 1634. years. and together and in one ſumme with the ſixteenth penny granted in this preſent Parliament, for the tearmes of Martinmaſſe, 1634. Whitſunday and Martinmaſſe, 1635. and Whitſunday, 1636. beginning the firſt tearmes payment of the ſaid two of ten, at Martinmaſſe next, and ſo tearmly thereafter, during the ſaid ſpace of three years and ſix tearmes. And the ſaids Eſtates have agreed all in one voice to ſuſpend, like-as by theſe preſents they doe ſuſpend the execution of the ſaid act, for the ſpace of three years, after the date hereof: and by theſe preſents declare that it ſhall be lawful (notwithſtanding of the ſaid Act) to all ſubjects within this Realme, to take ten markes for each hundred markes of their lent moneys, put out, or to be put out upon annual-rent, conforme to the preceeding Acts of Parliament, during the ſaid ſpace of three years next after the date hereof. And for inbringing of the ſaid Taxation of two marks of ten, ordain letters to be direct in the ſame forme and manner as is direct for collecting the foreſaid extraordinary Taxations of the twentieth and ſixteenth penny. And the ſame to be payed together, and in one ſumme to his Majeſties Collector-general, to be appointed, or to his Deputes in his name, having his power to receave the ſame.

ACT XXII.

Anent the Lords of Seſsion, their Taxation of Ten ſhillings to be impoſed upon everie Pound *Land of old extent.*

IN THE PARLIAMENT holden at *Edinburgh* upon the twentie eighth of June, the yeare of God, 1633. OUR SOVERAIGNE LORD the Kings Sacred Majeſtie, and Eſtates of Parliament preſently conveened: Remembring that at the firſt inſtitution of the Colledge of Juſtice, and divers times thereafter in the Parliaments ratifying the ſame, his Majeſties Royall Anteceſſors, and Eſtates of the Realme then aſſembled, found the erection of that Honourable Conſiſtorie (which is a biding monument of the Glorie of their Reignes) not onely to be moſt uſeful for Royall ſervice, but alſo neceſſary and profitable for the peace of the Kingdome, and to the ſeene good and comfort of all the Subjects. And conſidering that the proviſion allowed of before to the Lords of Seſſion, was no waies ſufficient for defraying of their charges, and that through their continual attendance, their privat affaires are neglected, and great loſſes thereby ſuſtained by them.

THEREFORE, and to the effect the ſaids Senators, and Lords of Seſſion preſent and to come, may be more encouraged to goe on, and to perſiſt as they doe in their zeale and affections to his Majeſties ſervice, and in faithful miniſtration of Juſtice, to the general weal of the Realme, and all the Lieges. The ſaids Eſtates with the ſpecial approbation and gracious good liking of the Kings Sacred Majeſtie, have moſt freely condiſcended, ſtatute and enacted, that a Taxation be preſently impoſed upon their Lands and Meanes, which with his Majeſties conſent foreſaid, they ordaine to be collected and payed to the effect, in manner, and at the tearmes following, That is to ſay, the Dukes, Marqueſſes, Earles, Vicounts, Lords, and Commiſſioners of Shyres for the temporal Eſtate, have granted that their ſhall be up-lifted of every pound land of old extent within this Kingdome, pertaining to Dukes, Marqueſſes, Vicounts, Lords, Barons, and Free-holders, and Fewars of his Majeſties proper Lands, the ſume of ten ſhillings money, at everie one of the four tearmes following, *viz.* The ſume of ten ſhillings money at the Feaſt and tearme of Martinmaſſe next to come, in this inſtant year of God, 1633. years: the ſume of other ten ſhillings money, at the Feaſt and tearme of Martinmas, 1634. years: the ſume of other ten ſhillings money, at the Feaſt and tearm of Martinmas, 1635. yeares: and the ſume of other ten ſhillings money, at the Feaſt & tearme of Martinmas, 1636. years. And the Arch-biſhops, & Biſhops for the Spiritual Eſtate have granted that there ſhall be up-lifted of all Archbiſhopricks, Biſhopricks, Abbacies, Pryories, and other inferior Benefices, within this Kingdome, at everie one of the foure termes above-ſpecified, the juſt taxatione thereof, as they have been accuſtomed to be taxed in

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all time by-gone, whensoever the temporal lands of this Kingome were stented to ten shillings the pound land of old extent: And the same taxation to be payed at everie one of the four tearmes above-specified. And the Commissioners of Burrowes for their Estate have granted, that there shall be up-lifted of all the Burrowes within this Kingdome, at everie one of the foure tearmes above-written, the just taxation thereof, as they have beene accustomed to be taxed unto in all time by-gone, whensoever the Temporal lands of this Kingdome were stented to ten shillings the pound land of old extent: And the said taxation to be payed at everie one of the saids foure tearmes above-written. And in regard that his Majestie hath erected sundrie Prelacies in Temporal Lordships, whereby the owners thereof may claime to be taxed with the Barons of the Temporal Estate, whereby the saids Lords of the Session would be defrauded of a great part of the said taxation, destinate and appointed, as said is.

Therefore the saids Estates ordaine that all erections of Prelacies, and other small benefices, in whole or in part, in Temporal Lordships, shall in payment of the said taxation, pay to the Collectors thereof, so much of the said Taxation, (*prorata*) as if they were no waies erected, and as they were subject to do before the erection of the same. And sicklike, it is statute and ordained, that all dissolved Benefices within this Kingdome in whole or in part, shall be subject in payment of so much of the same Taxation (*prorata*) as they would have beene subject to pay, though the same had not beene dissolved. And that the parties who have gotten any part or portion of any Prelacies, or other inferior benefices dissolved, and new securities made unto them by his Majestie, of that part and portion thereof so dissolved, shall be subject in payment of the Taxation thereof to the Prelate, or other Beneficed person for his reliefe of the same Taxation, as they would have beene, if the same had not been dissoved, notwithstanding of any condition contained in the Infeftments and securities made by his Majestie to them in the contrary thereof. And farther, the saids Estates annul and discharge all priviledges and immunities whatsoever, whereby any persons may thinke themselves free of payment of this present Taxation: the priviledges granted to the ordinarie Lords and Senators of the Colledge of Justice; and the Taxation of the Benefices given, disponed, and mortified for intertainment of the Universities, Colledges, and Hospitalls within this Kingdome, onely excepted. Attour, Our said Soveraigne Lord, and Estates foresaid, have given and granted, and by these presents give and grant full power and authoritie to the saids Lords of Session, to nominate, appoint, and elect their owne Collectors, one or moe, as they shall thinke most expedient for up-lifting of the foresaid Taxation, to the effect foresaid. Which summes of money, after they shall be in-gathered, as is before appointed; Our Soveraigne Lord, and the Estates foresaid destinate and ordaine to be mortified by imployment upon Land heritably, or for annual-rent, or other sufficient securitie, as may conveniently be found, for the use and benefit of the saids ordinarie Lords of Session, present, and to come: To the effect, that the yearely profit and annual of the saids lands or moneys, (as the same shall happen to be imployed) may be receaved by them and their successors in their saids Offices, yearely and termely, after the tearmes of payment of the same, and applyed to their behove, in manner, and conforme to the consuetude of the divisione of the yearely duety, presently allowed and receaved by them: and that by and attour the present provision and rents allotted to them by Parliaments heretofore. And to that effect, the saids ordinary Lords of Session, shall with all convenient diligence make, subscribe, and deliver to his Majesties Thesaurer Principal and Depute, a sufficient and valide securitie by band or contract, made by the sight and advice of his Majesties Advocat, for imploying of the said Taxation, and whole benefit thereof, in whole or in part, as the same shall be up-lifted to the use and effect above-specified. And ordaine the particulare forme and manner of up-lifting and in-gathering of the said Taxation, and reliefe of the Prelats, Lords of erections, and other Beneficed persons, to be conforme to his Majesties owne Taxation, granted in this present Parliament in all points, except in so farre as concerneth the particular day to be appointed to the Vassals, for conveening with the Prelats, Lords of erections, and other beneficed persons, for apointing and setting down of their due and right proportions of the saids Taxations, which they ordaine to be upon the *seventeenth* day of *September* next to come, which is declared to be the precise day of meeting, to the effect foresaid; And that no farther citation, nor summoning shall be requisite to that effect, then the publication and Proclamation of this present Act, at the Market-Crosses of the head Burrowes of this Realme, and holdeth the whole remnant clauses, and provisions of the Act of reliefe of his Majesties Taxations, as here repeated. And ordaines letters to be direct here-upon.

ACT XXIII.

Ratification of the liberties of the Colledge of Justice.

OUR SOVERAIGNE LORD, with advice and consent of the Estates of Parliament ratifies, approves, and confirmes all Acts of Parliament, gifts, grants and donations whatsoever, of all priviledges, freedomes and immunities, made, given, granted, or conceaved in favour of the Senators of the Colledge of Justice, by any of his Majesties Royal predecessors, or in any Parliament holden by them, dispensing alwaies with the generalitie hereof; And holding this general Ratification as sufficient, as if the whole priviledges, freedomes, and immunities, Acts, and grants thereof were specially and at length insert hereintil.

ACT XXIV.

Ratification of the Priviledges of the free Royal Burrowes.

OUR SOVERAIGNE LORD, And Eſtates of this preſent Parliament, Have ratified and approved, and by the tenour hereof ratifie and approve of new, all Acts and conſtitutions of Parliament made by his Majeſties Predeceſſours, in favour of the Free-burrowes of this Realme, and Burgeſſes and Inhabitants within the ſame, with all Priviledges, Freedomes, Liberties and Immunities granted and given to the whole Burrows in general in any time by-paſt, by any of OUR SOVERAIGNE LORD his Majeſties Noble Progenitors, with all that hath followed or may follow thereupon. And decernes and declares the ſame to have full ſtrength, force and effect in all times hereafter; ſo that the ſame may be put to full and due execution in all points. And ſpecially, without prejudice of the generalitie above-written, His Majeſtie and Eſtates Ratifie the Act of Parliament made by his Highneſſe Grand-father, umwhile King *James* the Third, 1466. His ſecond Parliament, Cap. 11: Ordaining that none ſaile nor paſſe in Merchandiſe out of the Realme but Free-men, Burgeſſes dwelling within Burgh, or their Familiar Factors, Servants being with them in Houſhold at Meat and Drink (excepting and reſerving to the Prelates, Lords, Barrons and Clerks, as in the ſaid Act is contained: and all other exceptions contained in any Act of Parliament in force, preceeding the day and date hereof) And ſicklike the Act of Parliament made by King *James* the Fourth of worthie memorie, in the Parliament holden at *Edinburgh* the Elleventh day of March, 1503. yeares, Cap. 84. Ordaining that no perſon dwelling out of Burrowes, uſe any Merchandiſe, nor yet buy nor ſell Wine, Wax, Silkes, Spicerie, Wad, nor ſicklike ſtuffe, nor yet ſtaple goods: And that none Pack nor Peill in *Leith*, nor other places without the Kings Burrowes, under the paine of Eſcheat of the goods that be Topped, Sould, Packed, or Peilled, contrary to that ſtatute. And ſicklike the 152. Act of umwhile King *James* the Sixth, His 12. Parliament: Ordaining that no perſon exerciſe the traffique of Merchandiſe, but Burgeſſes of Free-burrows, under paine of Eſcheat of their whole goods and geare, the one halfe to his Majeſtie, and the other halfe to the Burgh apprehender. And giving power to every Burgh by themſelves or a Collector, or Commiſſioner depute by them to ſearch the ſaids un-freemens goods, intromet therewith as Eſcheat, either within the Countrey, or any other part to arreaſt, call, follow and purſue before un-ſuſpect Baillies to be creat by them. As alſo the Sixth Act of King JAMES the Sixth, His ninth Parliament, Ordaining letters of Horning to be direct againſt un-freemen, not being Burgeſſes of the Free Royal Burrowes, to finde caution for deſiſting from uſurping of their Liberties, in all the Heads, Clauſes, Articles and circumſtances thereof: Like-as his Majeſtie and Eſtates declare, that the ſaids Liberties and Priviledges, mentioned in the ſaids Acts are only proper and competent to the Free-burrowes Royal, that have vote in Parliament, and beare burden with the reſt of the Burrowes, and to no others. Prohibiting and diſcharging all perſons who are not Burgeſſes of the ſaids Free-Royal-Burrowes, and beare not burden with the reſt, Of all uſing and exerciſing of the Liberties and Priviledges foreſaids, in all time comming. And ordaine, that Letters of Horning may be direct by the Lords of Council at the inſtance of all Burrowes upon the foreſaids Priviledges and former Acts of Parliament made thereupon: And this preſent Act in all times to come, for putting of the ſame to due execution with all rigour againſt them that do, or come in the contrary of the Acts and Priviledges foreſaids, without calling of any partie.

ACT XXV.

Ratification of the Acts made in favour of the Juſtices of Peace, and their Conſtables; and Commiſſion to the Lords of Secret Council thereanent.

OUR SOVERAIGNE LORD, and Eſtates of Parliament, ratifie, approve, and confirme the eight Act of the twentie two Parliament, holden by King JAMES the Sixth of Eternal memorie, Intitulate, [*Anent the Juſtices for keeping of the Kings Peace, and their Conſtables.*] In the whole Heads, Articles and Clauſes therein contained, admitting the generalitie hereof to be als valide and ſufficient, as if the ſame were all herein *per expreſſum* ingroſt. Attour his Majeſtie, and Eſtates foreſaid, give full power, authoritie and commiſſion to the Lords of his Majeſties Privie Council, to ſet down and impoſe penalties upon ſuch of the Juſtices of Peace as ſhall not keep and obſerve the diets prefixed for their ſeveral and particular meetings. And with power likewiſe to the ſaids Lords of privie Council to enlarge and amplifie the power and authoritie of the ſaids Juſtices of Peace, if they ſhall finde it neceſſarie and expedient; and what they ſhall decrete and determine thereanent, finde and declare that the ſame ſhall have the force, ſtrength and power of an Act of Parliament.

ACT

ACT XXVI.

Explanation of the Acts of Parliament made in favour of the Lords of Session, anent twelve pennies of the pound to be payed in decreetes, to be given by the saids Lords hereafter.

OUR SOVERAIGNE LORD, And Estates of Parliament, for explanation of the former Acts of Parliament, made in favours of the Lords of Session, anent twelve pennies of the pound: Statute and ordaine, that whensoever the saids Lords shall decerne and ordaine 12. pennies of the pound to be payed in any decreet or sentence to be given or pronounced by them at any time hereafter; The same shall no wayes be payed by the parties, purchasers and obtainers of the saids decreetes and sentences, but by these parties allennerly, against whom the saids decreets and sentences shall happen to be obtained and purchased: And the booking and extracting of the sentences shall not be stayed for the not payment making of the twelve pennies of the pound, by the purchasers and obtainers of the saids decreets.

ACT XXVII.

Pardon of Penal Statutes.

OUR SOVERAIGNE LORD, Considering that the precise and rigorous exaction of the pains arbitrarie and pecunial, adjected to penal statutes heretofore made, would prove a burden to his Majesties Lieges heavie and insupportable, if by his Majesties grace and favour they should not be eased and liberate of the same; In consideration whereof his Majestie in this his first Parliament, holden in this his ancient and native Kingdome, being willing to give ease and reliefe to his subjects of the foresaid burden: Hath therefore been graciously pleased with consent of the Estates of Parliament, to discharge, freely pardon and remit, and by these presents discharges, freely pardons and remits all contraveeners of any of the saids penal statutes for all deeds done by them contrary to the tenour of the same statutes in time by-gone. Except only the statutes concerning wearing and bearing of Hagbuts and Pistols, Taking of unlawful usurie, Transporting of money and gold, Slaying of red and black fish, with the penalties incurred by the concealers of annual-rents, and wrongous up-givers of the inventars of their moneys. Which are no-wayes discharged by this present Act, nor comprehended under the same.

ACT XXVIII.

Ratification in favour of the Vicount of Sterling, *of the Infeftments and signature granted to him of the Dominions of new* Scotland *and* Canada *in* America, *and Priviledges therein contained, and of the dignity and order of Knight Barronets, and Act of Convention of Estates made thereanent.*

OUR SOVERAIGNE LORD, and Estates of this present Parliament, ratifie and approve all Letters Patents, and Infeftments granted by King JAMES the Sixth, of blessed memorie, or by our said Soveraigne Lord, unto *William Vicount of Sterling*, and to his Heires and Assignеis of the Territories and Dominions of new *Scotland* and *Canada* in *America*; and especially the Patent, Charter, and Infeftment granted by his Majesties umwhile dearest Father of worthie memorie, of new *Scotland*, of the date the tenth day of September, the year of God, 1621. Item, another charter of the same, granted by his Majestie, under the great Seale, of the date the twelfth day of July, 1625. yeares. Item, another Charter and Infeftment granted by his Majestie of the Countrie and Dominion of new *Scotland* under the great Seale, of the date the third day of May, 1627. yeares, Item, another Charter and Infeftment granted by his Majestie under the great Seale, of the River and Gulf of Canada, bounds, and priviledges thereof, mentioned in the said Patent, of the date the second day of Februarie, 1628. years. Item, a Signature past under his Majesties hand of the said Countrie and Dominion, which is to be with all diligence exped through the Seales, of the date at *White-hall* the twenty fourth day of April, 1633. years. With all Liberties, Priviledges, Honours, Jurisdictions and dignities *respective* therein mentioned. Together also with all execution, precepts, Instruments of seasings, and seasings following, or that shall happen to follow thereupon. And also ratifies and approves the Act of general Convention of Estates; at *Holy-rude-house*, the sixth day of July, the year of God, 1630. Whereby the saids Estates have ratified and approved the dignities and order of Knight Baronet; With all the Acts of Secret Councel, and Prolamations following thereupon, made for maintaining of the said dignitie, place and precedencie thereof. And his Majestie and Estates foresaid, will, statute, and ordaine, that the saids Letters Patents, Charters, and Infeftments; and the said dignitie, title, and order of Baronets, and all Letters Patents and Infeftments of Lands, and dignities granted therewith, to any person whatsoever, shall stand and continue in full force; with all Liberties, Priviledges and precedencies thereof, according to the Tenour of the same. And in als

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ample maner as if the bodies of the ſaid letters patents, infeftments, and ſignature above mentioned were herein particularly ingroſt and expreſt. And ordaine intimation to be made hereof by open proclamation to all his Majeſties Lieges, at the market croſſe of *Edinburgh*, and other places needful, that none pretend ignorance hereof.

ACT XXIX.

In Favour of the Earle *of* Mortoun, *and the Lord* Dalkeith *his Sonne*; *Anent the Loch of* Leiven, *and preſervation of the fiſhings thereof.*

OUR SOVERAIGNE LORD, And Eſtates of this preſent Parliament, conſidering that the Loch of *Loch Leivn* pertaines heritably in propertie to his Majeſties right truſtie Couſin and Counſellor *William* Earle of *Mortoun*, Lord great Theſaurer of this Realme, and *Robert* Lord *Dalkeith* his Sonne; And that the ſaid Loch is well pleniſhed and furniſhed with Pykes, Perches, and Trouts of divers kinds: And that when the fiſh aſcend forth of the ſaid Loch, to the waters, burnes, and ſtrypes that fall in the ſame to ſpawn therein, There is great ſlaughter and deſtruction of them commited by the country people about, whereby the ſaid Loch and fiſhing thereof is not of ſuch worth to the heritors of the ſaid Loch, nor to the countrey about, as it would be if the ſaid fiſhes were not ſlain in the ſaid waters, burnes, and ſtrypes. For remedy whereof, his Majeſtie, with advice and conſent of the Eſtates of this preſent Parliament, ſtatutes and ordaines that none of his Majeſties Lieges ſlay any Pyks, Perches, Trouts, or any other fiſhes in the waters, ſtrypes, or burns, that fall in the ſaid Loch, or run forth thereof, within the ſpace of five miles to the ſaid Loch, under the paine of twentie pounds uſual money of this Realme, to be payed by each contraveener; *toties quoties* for each contravention: And ordaines the ſaid whole paines and unlawes of contravention to appertaine to the ſaid Earle of *Mortoun*, and his ſaid Son, their heires and ſucceſſours; And by theſe preſents gives and grants power and commiſſion to them and their Bayliffes and Deputes, to call before them within the towne of *Kinroſcher*, all perſons ſuſpect of ſlaying of the ſaid fiſh within the ſaid burnes, waters, Loch, or ſtrypes, within the ſaid ſpace of five miles to the ſaid Loch; And as they ſhall be found guilty or innocent of ſlaying thereof, to aſſoilyie them, or unlaw them in the unlawes foreſaid; And to decerne and ordaine the perſons convict to pay the ſame unlawes to the proctor fiſcal to be appointed for that effect, by the ſaid Earle of *Mortoun*, his ſaid ſon, or their foreſaids; And ordaines letters of horning upon a ſimple charge of ſix dayes, poynding, and other letters and executorials requiſit to be direct for payment to the ſaid proctour fiſcal of the ſaid unlawes; And ordaines publication to bee made hereof, in forme as effeiris

ACT XXX.

Anent The Clan-Gregour.

OUR SOVERAIGNE LORD, And three Eſtates of this preſent Parliament, underſtanding that albeit by the great care of his Highnes umwhile deareſt Father of eternal memory, the *Clan-Gregr* was ſuppreſt and reduced to quietneſſe; yet of late, they are broken forth againe to the heavie oppreſſion of many of his Majeſties good ſubjects, who dwell near to the part where they reſort, and ſpeciallie in the Shrie-dome of *Perth*, *Sterling*, *Clackmannan*, *Monteith*, *Lennox*, *Angus*, and *Mernes*. Therefore, for the timous preventing of the diſorder and oppreſſion that may fall out by the ſaid name and *Clan* of *Mac-Gregour*, and their followers, and for farther ſuppreſſing of them; Ratifie and approve all Acts of Councel and Acts of Parliament made and granted heretofore, againſt the ſaid wicked and rebellious *Clan* of *Mac-Gregour*. And farther, his Majeſtie and Eſtates of Parliament ſtatute and ordaine, that the ſaid name of *Clan-Gregour* and every one of them, as they come to the age of ſixteene yeares, ſhall thereafter yearely give their compearance before the Lords of privie Councel, upon the twenty fourth day of July, if it be a lawfull Councel day; and failyieing thereof the next Councel day thereafter, and there find caution for their good behaviour and obedience in all time coming; And take to them ſome other ſurname conforme to the Acts of Councel alreadie made there-anent; And if they faile in not compearance as ſaid is, and goe to the horne, that then it ſhall be lawful to any of his Majeſties Lieges, to take and apprehend them, and preſent them to the Sheriffe of the Shire, or his deputes, or to the Stewarts of the Stewartrie, or their deputes, to the effect they may be preſented before the Lords of privie Councel, there to be taken order with as effeiris. And if it ſhall happen any of his Highneſſe good Subjects in taking any of the ſaid *Clan-Gregour*, being put to the horn as ſaid is, to hurt, mutilate or ſlay any of them, the partie who ſhall happen ſo to do, and their complices, ſhall no wayes be ſubject nor lyable to law therefore, nor incurre any paine or skaithe in body or goods, and ſhall be free of all purſuit criminal or civil to be intended againſt them, at the inſtance of his Highneſſe Advocate, or any other partie; But the ſame ſhall be holden and repute as good ſervice done to his Majeſtie. And farther, our ſaid Soveraigne Lord, and Eſtates foreſaid, for the better extinguiſhing and extirpating of the ſaid wicked and lawleſſe Limmers; Statute and ordaine that no Miniſter nor Preachers within the bounds of the *High-lands* or next bordering countreys thereto, *Bauffe*, *Innernes*, or regalitie of *Spynie* or *Elgin*, *Forres*, ſhall at any time hereafter baptize and chriſten any male childe with the name of *Gregour*, under the paine of deprivation, and

that

that no Clerke or Notar in any time coming, ſhall make or ſubſcribe any band or other ſecuritie under the name of *Gregour*, or *Mac-Gregour*, under the paine of deprivation. And ſicklike, ſtatute and ordaine that all and whatſoever of the ſaid *Clan-Gregour* that ſhall happen to bee within the ſaid Kingdome upon the fifteenth day of March next to come, ſhall give their compearance before the Lords of privie Councel at *Edinburgh*, or where it ſhall happen them to bee for the time, or the next Councel day thereafter; To the effect that ſuch of them as have alreadie found caution, and whoſe cautioners are dead, may finde newe caution for their good behaviour in time coming. And ſuch of them who have never found caution, may finde caution and ſuretie for their obedience in time coming, with certification to them if they doe not compeare, and that the Lords of privie Councel, for their diſobedience, ſhall direct letters of horning againſt them, or any of them, and that they therefore be put to the horne; that then it ſhall be lawful to any of his Majeſties good Subjects, to take and apprehend them, where ever they may bee had, and put them to the next Sheriffe, Stewart, Bayliffe of regalitie, or their deputes; To any of the Juſtices of peace, or to the Proveſt and Bayliffs of Burrowes, to the effect they may preſent them before the Lords of his Maieſties privie Councel, that ſuch order may bee taken with the ſaid rebels, as the ſaid Lords ſhall thinke expedient. And farther, our ſaid Soveraigne Lord declares, that if any of his Highneſſe good ſubjects ſhall happen in taking of the ſaid rebels, to hurt, mutilate or ſlay any of them, the partie who ſhall happen ſo to doe, and their complices; ſhall no wayes be ſubject nor lyable to law therefore, nor incurre any paine or skaithe in their bodie or goods; and ſhall be free of all purſute criminal or civil, to be intended againſt them, at the inſtance of his Highneſſe Advocate, or any other partie: But the ſame ſhall be holden as good ſervice done to his Majeſtie. And likewiſe, his Majeſtie and Eſtates foreſaid, ſtatute and ordaine, that if any of the ſaid *Clan-Gregour*, who ſhall happen to have compeared, and found caution in manner above-ſpecified, bee found maſterleſſe in time coming, having neither poſſeſſions nor callings, whereupon to live, nor will not take them to ſervice, That it ſhall bee lawful to any of his Highneſſe good ſubjects to take and apprehend them, and preſent them to the nixt Sherife, Stewart, Bayliffs of Regalitie and their deputs, or to the Proveſt and Bayliffes of Burrowes; and that they may preſent them to the Lords, and others of his Highneſſe Councel, there to bee taken order with, as they thinke meete And ſicklike, his Majeſtie and Eſtates of Parliament, ſtatute and ordaine That if any of the ſaid *Clan-Gregour* ſhall happen to be put to the horne by letters of horning direct againſt them bee made thereof by the Lords of Councel, for the cauſe above-written: And that publication the ſaid Lords, to all his Majeſties Lieges, and at all places needful; That then whatſoever perſon or perſons ſhall receive, ſupply, or intercommoun with the ſaid rebels, or any of them, or ſupply them with meate, drinke, lodging, or weapons, directly or indirectly, or any other neceſſaries, ſhall be puniſhed in their bodies, goods, and geare, as intercommoners with rebels and ſorners, conforme to the lawes of this Kingdome againſt intercommoners and ſorners. And alſo his Maieſtie with conſent of the Eſtates foreſaid, ſtatutes, and ordaines, and commands all Sheriffes, Stewarts, Proveſts, Bayliffes of Burrowes, and Regalities, and all and ſundrie his Majeſties good ſubjects to aſſiſt and concurre with any of his Highneſs good ſubjects, who ſhall happen to be in purſute of the ſaid rebels. And ſicklike, ſtatutes and ordaines the ſaid Proveſts, and Bayliffes of Burrowes, and Bayliffes of Regalitie, to receive from the hands of his Highneſſe good ſubjects, the ſaid rebels, who ſhall happen to be apprehended by them in manner foreſaid, put, keepe, and deteine them in ſure ward and firmance, aye and while they be preſented before his Majeſties Counſel, or Juſtice. And laſtly, his Majeſtie and Eſtates foreſaid, for ſuppreſſing of the ſaid lawleſſe limmers and *Clan* of *Mac-Gregour* nominate and appoints the Sheriffes of the Sherifdomes of *Perth*, *Dumbartane*, *Angus*, *Mernes*, *Sterling*, and Stewarts of the Stewartries of *Stratherne*, *Monteith*, *Banffe*, *Innerneſſe*, *Elgin*, and *Forres*, and their deputes, and the Shireffe of *Cromartie* and his deputes, and the Proveſts and Bayliffes of the Burrowes there; The Earles of *Errole*, *Montros*, *Athol*, *Perth*, *Tullibairdin*: *Sea-fort*, Vicount of *Stormonth*, Lord *Ogilvie*; The Lairds of *Glenurquhy*, *Lawers*, *Garntullie*, *Weymes*, *Glenlyon*, *Glenfalloch*, *Edinampil*, *Grant*, or any of them, his Majeſties Juſtices in that part, for ſetting, trying, and doing Juſtice upon the ſaid rebels of *Clan-Gregour*, or any of them and their complices, who ſhall be apprehended by any of his Highneſſe good ſubjects, for theft, ſorning, or ſlaughter, with power to them to hold Courts, proceed and miniſter Juſtice upon the ſaid rebels apprehended, as ſaid is, as accords. And where ever his Majeſties good ſubjects ſhall happen to apprehend any of the ſaid rebels ſorning, commiting theft or ſlaughter, and ſhall preſent them to the ſaid Lords of Councel, Juſtice or Juſtice-general, or Commiſſioners above-ſpecified, or either of them, the doer of that ſervice, ſhall have for his reward, the moveable goods and geare of the offender, taken and preſented by him in manner foreſaid.

ACT

ACT XXXI.

In favour of his Majeſtie and Lieges, Intitulate; Salvo jure Cujuſlibet.

OUR SOVERAIGNE LORD and Eſtates of Parliament declare, that no particular Acts made in favour of any of his Majeſties ſubjects at this preſent Parliament, nor no Acts of Ratification made in their favour, ſhall prejudge his Majeſtie nor his Succeſſours, of the Acts and Statutes underwritten, made in favour of his Majeſtie in this ſame Parliament, *viz.* The Act of his Majeſties Revocation: The Act anent the ſuperiorities of Erections: The Act anent Regalities of Erections; and the Acts made or ratified anent his Majeſties annexed properties: And his Majeſtie and Eſtates, finde and declare the ſaid particular Acts, and Acts of Ratification, made in favour of any of his Majeſties ſubjects, in ſo far as the ſame, or any of them may prejudge his Majeſtie or his Succeſſours, of the ſaids Acts and Statutes, made in his Majeſties favour, or of the benefit thereof in whole or in part, to be null and of none avail, force, nor effect, by way of exception or reply. And ſicklike, Statute and Ordaine that the ſaids particular Acts, and Acts of Ratification, ſhall not prejudge any third party of their lawful rights, nor of their Actions and defences competent thereupon, before the making of the ſaids particular Acts and Acts of Ratification; But that the Lords of Seſſion and all other Judges ſhall be obliged to judge betwixt the parties, according to their rights ſtanding in their perſons, before the making of the ſaids particular Acts. And that in reſpect the ſaids particular Acts, and Acts of Ratification, are made without hearing of parties having intereſt; and therefore are made *Salvo jure cujuſlibet*; Like-as his Majeſtie and Eſtates declare, That this is and was the true meaning of all the Acts made in the preceeding Parliaments, Intitulat, Acts *Salvo jure cujuſlibet*; Excepting alwayes forth of this preſent Act a Ratification of the Mortification of the Abbacie of *Dundrenan* to the Chapel-Royal, in favour of the Biſhop of *Dunblane*; The Act of Ratification of the Benefice of *Failſuird* with the pertinents, granted to Maſter *Walter Quhytfuird*, with the Act of diſſolution of the Abbacies of *Holy-rude-houſe* and *New-Abby*, all paſt in this preſent Parliament: excepting alſo forth of this preſent Act, The Act of Ratification and diſſolution, made in favour of the Marqueſs of *Hamiltoun*, anent his right to the Impoſt of the Wines new and old, gifted by his Majeſtie to him for the ſpace of Sixteen yeares ſpecified in his gifts and grants made to him thereupon; and alſo excepting forth hereof the Ratification of the contract paſt betwixt his Majeſtie and the Lord *Lorne*, Anent the heritable office of Juſticiarie, within the bounds therein mentioned, dated the third, and twentie third day of April, 1628. yeares: And of the Charter under the great Seal, precept, and inſtrument of ſeizing following thereupon, together with libertie of creation of Clerks and Members of court, directing of precepts, and letters of horning, and power to denounce; and with all other priviledges therein contained. And ſicklike of the three ſeveral acts of Council and an act of Exchequer, all relative to his rights of the ſaid office of Juſticiarie, and in favour of the ſaid Lord *Lorne*.

Collected, viſied and extracted forth of the Book and Regiſter of the Acts of Parliament, by me Sir John Hay *of* Lands *Knight, Clerk of his Majeſties Council, Regiſter and Rolls: Under my Signe and Subſcription manual.*

JOHANNES HAY.
Clericus Regiſtri.

FINIS.

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A TABLE Of the PRINTED

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19 Commiſſion for valuation of Teinds not valued, rectifying the valuation of the ſame already made, and other particulars therein contained.
20 Anent the King his deſignation of the names to be inſert in the Commiſſions anent the tithes and lawes.
21 Anent the annual of eight to be taken of ilk hundred in time to come allennerly, ſuſpending the ſame for three yeares, and in the interim, two of ten to be payed for the ſaid ſpace to his Majeſtie.
22 Anent the Lords of Seſſion, their taxation of ten ſhillings to be impoſed upon everie pound land of old extent.
23 Ratification of the liberties of the Colledge of Juſtice.
24 Ratification of the priviledges of the free Royal Burrows.
25 Ratification of the Acts made in favour of the Juſtices of Peace, and their Conſtables, and Commiſſion to the Lords of Secret Council thereanent.
26 Explanation of the Acts of Parliament made in favour of the Lords of Seſſion, anent twelve pennies of the pound to be payed in decreets, given by the ſaids Lords hereafter.
27 Act pardon penal ſtatutes.
28 Ratification in favour of the Vicount of Sterling of the Infeftments and ſignature granted to him of the Dominions of new Scotland and Canada in America, and priviledges therein contained, and of the dignitie and order of Knight Baronets, and Act of convention of Eſtates made thereanent.
29 Act in favour of the Earle of Mortoun, and the Lord Dalkeith his ſon, anent the Loch of Levin, and preſervation of the fiſhings thereof.
30 Act anent the Clan-Gregour.
31 Act in favour of his Majeſtie, and Lieges, intitulate; Salvo jure Cujuſlibet.

A TABLE

Of the

PARTICULAR ACTS, and Others exped and paſt in this firſt Parliament of Our Soveraigne Lord CHARLES the Firſt, *By the Grace of God, King of* Scotland, England, France, *and* Ireland, *Defender of the Faith; Holden at* Edinburgh, *the twentie eight day of June*, 1633. *yeares, not imprinted.*

1 COmmiſſion for ſurveying the Lawes.
2 Commiſſion anent the admiralitie and Chamberlanry.
3 Commiſſion to the Lords of Secret Council, for deciding the queſtion betwixt the Shires of *Perth*, *Forfar* and *Fyfe*, and the Burgh of *Dundie* anent the Ladle full of corne brought to their markets.
Anent the petition given in by the Tanners, againſt the Lord *Erskeine*.
Anent Maſter *David Wedderburnes* Grammer.
Anent Freedome of Foggage, Paſturage, &c. to Miniſters.
Anent reforming the Malt-mens price betwixt the Boll of Beir and Malt.
Anent eſtabliſhing of correction houſes.
Anent the mutual interchange of forbidden goods betwixt *Scotland* and *England*.
Anent inbringing of Manufactories.
Anent Reformation of abuſes in preſenting playding to Fairs and Markets.
Anent diſcharge of *Robert Buchanes* patent of the pearle and all other monopolies.
Anent Reformation of bleatching of Linen Cloath.
Anent diſcharge of impoſitions upon Victual brought from forraine parts.
4 Commiſſion to the Lords of ſecret Council anent the ſcarcitie of coyne, of gold, and ſilver within this Kingdome.
Anent the frequent courſe of Dollors and baſe copper money.
Anent the penaltie of the breakers of the Act of Parliament, anent Metts and Meaſures.
Anent addition to the Booke of rates of the prices to be taken by the Clerk of the Bills for allowance of compryſings.
5 Proteſtation by his Majeſty anent the coyne.
6 Commiſſion to the Lords of ſecret Council anent the petition preſented by *John* Lord Torphichen in Parliament.
7 Commiſſion to the Lords of ſecret Council anent the Lord *Spynies* gift, of being General Muſter-maſter, and Colonel within this Kingdome.
8 Commiſſion to the Council anent the exchange of moneys betwixt *Scotland* and *England*.
9 Commiſſion to the Council anent the criminal Judicatorie.
10 Commiſſion to the Commiſſioners of ſurrenders, anent the disjoyning of meikle and little Daltouns from the Kirk of Mouſwald, and planting of the new Kirk of Beith.
11 Commiſſion to the Lords of Exchequer anent *Robert Young* Printer his gift.
Anent the petition of *Jonet Keine* and the heires of *Andrew Hart*.
Anent Maſter *Robert Craiges* penſion of five hundreth pound.
Anent the meane Vaſſals of Kirk-lands their entrie.
Anent upholding of the Cathedral Kirk of *Orkney*.
Anent the Vaſſals of ward lands.
12 Commiſſion to the Council anent the Miniſters ſtipends of *Edinburgh*.
Anent the rebels within the Sheriffdomes of *Elgine*, *Forres*, *Nairne* and *Innerneſs*.
Anent the erection of Stranraver in a Free-burgh, and the Burgh Wigtouns petition in the contrary.
Anent directing of Letters againſt the inhabitants of the Weſt and Noth Yles.
Anent the Articles given in by the inhabitants of *Orkney* and *Zetland*.
Anent the prices of theſe writs that paſſe the Chancellarie.
Anent erecting of a Colledge of Phyſitians in *Edinburgh*.
13 Commiſſion to the Commiſſioners of Surrenders anent the Kirks of *Nisbet* and *Crailing*.
14 Act anent the diſſolution of the Abbacies of *Holy-rude-houſe* and *New-abby*.
15 Act of rehabilitation of *Francis Stewart*, with proviſion therein, in favour of the Marques of *Hamiltoun*, and Sir *Thomas Thomſon*.

16 Proteſtation Biſhop of *Dumblane*.
17 Proteſtation Sir *Patrick Murray* of *Elibanke*.
18 Proteſtation Marqueſs of *Dowglas*.
19 Proteſtation Laird of *Waichtoun*.
20 Proteſtation Sir *James Lokhart* younger of *Ley*.
21 Proteſtation Sir *James Maxwel* of *Calderwood*.
22 Act in favour of the Earles of Roxburgh and Buckcleuch.
23 Act in favour of Maſter *Robert Craige* for printing the Book called, *De feudis*.
24 Act in favour of *William Dowglas* of *Cavers*.
25 Act of naturalization of certaine Noble-men and Gentlemen of *England*.
26 Act in favour of *George* Earle of *Kinnoul* Chancellor.
27 Proteſtation Archbiſhop of *Sanct-Andrews*.
28 Act in favour of the Duke of *Lennox*.
29 Proteſtation Lord *Lindeſay*.
30 Act in favour of the Marqueſs of *Hamiltoun*.
31 Act in favour of the Marqueſs of *Hamiltoun*.
32 Act in favour of the Earle of Southerland anent the Regalitie and ſheriffſhip of Southerland; and making thereof a diſtinct Sheriffdome and erecting Dornoch in a Free-burgh Royal.
33 Act in favour of the Earle Marſhal.
34 Proteſtation Biſhop of Murray.
35 Act in favour of the Earle of *Buchane*, for precedencie before certaine other Earles.
36 Act in favour of the Earle of Buchane.
37 Act in favour of the Earle of Galloway.
38 Act in favour of *Alexander* Lord Gairlies.
39 Act in favour of the Earle of Annandail.
40 Act in favour of the Earle of Annandail.
41 Act in favour of the Archbiſhop of Glaſgow.
42 Act in favour of the Biſhop of Roſſe anent annexation of Ferne to Roſſe.
43 Act in favour of the Biſhop of Galloway.
44 Act in favour of the Biſhop of Dunblane.
45 Act in favour of the Univerſitie of Sanct-Andrews.
46 Act in favour of the Kings Colledge of Aberdeen.
47 Act in favour of the Colledge of Glaſgow.
48 Act in favour of the Lord Lorne.
49 Act in favour of the Lord Lorne.
50 Act in favour of the Lord Lorne.
51 Act in favour of the Lord Lorne.
52 Act in favour of the Lord Yeſter.
53 Act in favour of the Lord Lowdoun.
54 Act in favour of the Lord Lowdoun.
55 Act in favour of the Lord Napeir.
56 Act in favour of the Lord Lindeſay.
57 Act in favour of the Burgh of Aberdeen.
98 Act in favour of the Burgh of Glaſgow.
99 Proteſtation Chapter of Glaſgow.
60 Act in favour of the Burgh of Culroſs.
61 Act in favour of the Burgh of Hadingtoun.
62 Act in favour of the Burgh of Brunt-Iland.
63 Act in favour of the Burgh of Bamffe.
64 Act in favour of the Burgh of Pittinweyme.
65 Proteſtation Earle of Kelly.
66 Act in favour of the Burgh of Selkrik.
67 Proteſtation Marqueſs of Dowglas.
68 Proteſtation Earle of Roxburgh.
69 Proteſtation Sheriffe of Forreſt.
70 Proteſtation *Andrew Riddel*.
71 Act in favour of the Burgh of Air.
72 Act in favour of the Burgh of Innernes.
73 Proteſtation Earle of Murray.
74 Proteſtation Lord Gordoun.
75 Act in favour of the Burgh of Carrail.
76 Proteſtation Sir *James Learmonth* of Balcomy.

77 Proteſtation Laird of *Barnes*.
78 Act in favour of the Burgh of *Kinghorne*.
79 Act in favour of the Burgh of *Dumbartane*.
80 Act in favour of the Burgh of *New-Galloway*.
81 Proteſtation Burgh of *Kirkcudbright*.
82 Act in favour of the Burgh of *Lawder*.
83 Act in favour of Sir *Robert Dowglas* of *Spot*.
84 Act in favour of Sir *William Anſtruther*.
85 Proteſtation Earle of *Kellie*.
86 Proteſtation Town of *Pittinwyme*.
87 Act in favour of the Laird of *Pannoor*.
88 Act in favour of *James Levingſtoun* of *Beill*.
89 Act in favour of *James Maxwel* of *Innerweik*.
90 Act in favour of the ſaid *James Maxwel* and his Spouſe.
91 Act in favour of the Heires of Maſter *Patrick Murray*.
92 Act in favour of *William Murray*.
93 Proteſtation Vicount of *Stormonth*.
94 Act in favour of Sir *Thomas Hope* of *Craig-hall* Knight Baronet.
95 Act in favour of Sir *James Lokhart* younger of *Ley*.
96 Act in favour of the ſaid Sir *James Lokhart*.
97 Act in favour of Sir *Patrick Murray* of *Elibank*.
98 Act in favour of Sir *John Dalmahoy*.
99 Act in favour of the Laird of *Glenurquhy*.
100 Act in favour of Doctour *Beatone* and his Spouſe.
101 Act in favour of *Henrie Niſbet*.
102 Proteſtation Lord *Balmerinoch*.
103 Act in favour of *John Oliphant* of *Bachiltoun*.
104 Proteſtation Duke of *Lennox*.
105 Act in favour of Sir *James Mack-Gill* of *Cranſtoun* Riddel Knight Baronet.
106 Act in favour of Sir *Thomas Thomſon* of *Dudinſtoun* Knight.
107 Act in favour of the Laird of *Swynton*.
108 Act in favour of Maſter *Walter Quhytfuird*.
109 Act in favour of Maſter *Walter Quhytfuird*.
110 Act in favour of the Laird of *Philorth* younger.
111 Act in favour of the Laird of *Corshill*.
112 Act in favour of Maſter *James Bannatine* of *New-hal*.
113 Act in favour of Maſter *Andrew Ayttoun* of *Logy* Advocate.
114 Act in favour of Sir *James Hamiltoun* of *Prieſt-field*.
115 Proteſtation Sir *Thomas Thomſon*.
116 Act in favour of *John Campbel* Feear of *Calder*.
117 Act in favour of Sir *Iohn Spottiſwod* of *Darſie*.
118 Act in favour of the Laird of *Pitſligo*.
119 Act in favour of the Laird of *Edzel*.
120 Act in favour of the Laird of *Rouchlaw*.
121 Act in favour of *John Sinklar* of *Stevinſon*.
122 Act in favour of *Thomas Crombie* of *Kemno*.
123 Act in favour of Sir *Patrick Mack-Gie* of *Larg*.
124 Proteſtation *Archibald Stewart* of *Phintilloch*.
125 Act in favour of the Miniſters of *Port-Patrick*.
126 Proteſtation Laird of *Kinhilt*.
127 Act in favour of Sir *Arthur Dowglas* of *Quhittinghame*.
128 Act in favour of Maſter *William Drumond*.
129 Act in favour of the Skinners of *Edinburgh*.
130 Act in favour of Maſter *Iames Nicolſon* of *Colbrandſpeth*.
131 Act in favour of the Fewars of *Innerask*.
132 Act in favour of *Iames Scot* of *Gallowſhiels*.
133 Proteſtation Earle of *Roxburgh*.
134 Proteſtation Sheriffe of *Forreſt*.
135 Act in favour of the Laird of *Biſhoptoun*.
136 Proteſtation Earle of *Lauderdail* contra the Earle of *Annandail* for prioritie of place.
137 Act in favour of Maſter *William Cunninghame* of *Broome-hill*.
138 Act in favour of Maſter *Iames Raith* of *Edmiſtoun*.

139 Act in favour of the Laird of Tindal.
140 Act in favour of *John Erskyne* of Balhagardie.
141 Act in favour of the Laird of Makclachin.
142 Act in favour of the Kirk of Pittinwyme.
143 Act in favour of the Kirk of Eymouth.
144 Act in favour of the Miniſter of Coldinghame.
145 Act in favour of the Miniſter of Brunt-Iland.
146 Act of diſſolution of Lugtoun and Melvil from the pariſh of Sanct-Andrewes, and union thereof to Dalkeith and Laſwade.
147 Act anent the Parſonage of Dalkeith and payment of the taxation thereof.
148 Act in favour of Sir *Richard Murray* of Cokpul.
149 Act in favour of the Miniſter of Colbrandſpeth.
150 Act in favour of Sir *John Charters* of Aimsfield.
151 Act in favour of Sir *Patrick Hamiltoun* of little Preſtoun.
152 Act in favour of the Laird of Balvaird.
153 Proteſtation Earle Annandail.
154 Act in favour of *John Hamiltoun* of Boghal and his Spouſe.
155 Act in favour of *William Lokhart* of Carſtairs.
156 Proteſtation Marqueſs of Hamiltoun.
157 Proteſtation Marqueſs of Dowglas.
158 Proteſtation Archbiſhop of Glaſgow.
159 Act in favour of Maſter *Robert Gordoun* of Strealoch.
160 Act diſuniting the Kirks of Ebdie and Newburgh.
161 Act anent the erection of the Pariſh Kirk of Strechine.
162 Proteſtation Lord Lundors,
163 Act in favour of Sir *George Hamiltoun*.
164 Act uniting certaine lands to the Kirks of Corſtorphine and Hails.
165 Act in favour of *James Hay* of Smithfield.
166 Act in favour of Sir *James Balfour*.
167 Act in favour of *Alexander Cunninghame* of Barnes.
168 Proteſtation Archbiſhop of Sanct-Andrewes,
169 Act in favour of the Maſter of Elphingſtoun.
170 Act in favour of Maſter *Alexander Keith* of Benholme.
171 Act diſſolving four Prebendaries from the Pariſh Kirk of Corſtorphine to the Colledge Kirk thereof.
172 Act in favour of Sir *John Achmootie* of Goſuird.
173 Act in favour of Sir *George Ogilvie* of Bamffe.
174 Proteſtation Doctour *Philip* contrary the Act of erection of the Kirk of Kingisbarnes, in favour of the Lord Lindeſay.
175 Proteſtation Earle Lauderdail, contra *James Levingſtoun* of Beill.
176 Act in favour of Sir *Thomas Hope* of Craig-hall Knight Baronet.

FINIS.

SUBMISSIONS, AND SURRENDERS Of TEINDS, &c.

With

His MAJESTIE'S Decreets following thereupon.

Submiſſion made be the Lords of Erections, Titulars, Tackſ-men, &c. Gentrie, Heretours of Lands, To His Majeſty, *anent their Superiorities, and Teinds, &c.*

AT WHITE-HALL, The firſt day of *Februar*, And *HALY-ROOD-HOUSE*, The twenty third day of *Februar*, The year of God, One thouſand, ſex hundred, Twenty eight. The Perſons under-written having or pretending right to whatſoever Erections, & Temporalities of Benefices, Superiorities, and Few-dewties of the ſame, or to the Kirks, and Teinds great and ſmall, Parſonage, and Viccarage, or Patronages of Kirks pertaining to the ſaids Erections, or to any other which they, or any of them, have of other mens Lands, be whatſoever Right, or Title. And ſiclike, the Heretours, and Poſſeſſours of Lands, lyand within the ſaids Kirks, and Benefices, erected, for themſelves, and in name of all Others, who are deſirous to have Right and Title, of the Teinds of their own Lands, at a competent rate, and price, conform to His Majeſties Proclamation made to that effect, THAT IS TO SAY, All the ſaids Perſons, Conſidering, That his Majeſty their Dread, and Gracious Soveraign, out of his Royal care, Fatherly, and tender affection, to the publick well of his Majeſties Ancient, and Native Kingdom of *Scotland*, was lately pleaſed in the Moneth of *Januar*, the year of God 1627. years, for the eaſe of his Majeſties Subjects, and removing of the general fears which were conceived, by reaſon of his Majeſties Revocation, given forth, and publiſhed in the Moneth of *October* 1625. years, To grant Commiſſion under his Majeſties great Seal, to certain his Majeſties Commiſſioners nominat in the ſaid Commiſſion, to meet, conveen, deale, and treat, anent ſuch reaſonable ſatisfaction, and compoſition, to be given to ſuch of his Majeſties Subjects, as had right to whatſoever erection of Benefices, Temporalities, Few-mails, Kirks, Teinds, and others foreſaids, who ſhould make ſurrender thereof in his Majeſties hands, and anent the moſt convenient and lawful form how the ſaids Perſons ſhould be denuded of the Superiorities of the ſaids Erections, without any compoſition to be made therefore, except for the Few-mails, Few-ferms, and other conſtant Rent of the ſaids Superiorities; And how lawful Diſpoſitions ſhould be made to the Heretours, and poſſeſſours of Lands, of the Teinds of the ſaids lands pertaining to Erections, for ſuch compoſition, and yearly dewties, to be payed, and reſounded to His Sacred Majeſty, as the ſaids Commiſſioners ſhould think expedient. With power to the ſaids Commiſſioners, to conſult, and agree, upon the eſtabliſhing, and annexing, of a certain Patrimony to the Crown and means thereof, to remain with the Crown for ever; As the ſaid Commiſſion of the date foreſaid, bearing certain Declarations, Reſervations, and other Proviſions in favours of his Majeſties Subjects having right to Erections; And in favours of Heretours, and Poſſeſſours of Lands, for ſecuring of the Teinds of the ſame, at more lenth is contained. BY VERTUE, and conform to the which Commiſſion, the ſaids Commiſſioners having now conveened, and treated anent the premiſſes, from the ſaid Moneth of *Januar*, until the laſt day of *June*, laſt by-paſt: There was during that time a good progreſs made by them in the ſaid buſineſs committed to their care, And by an Act of the date the Twenty ninth day of *May* laſt by-paſt, It was adviſed, concluded, and enacted, That his Majeſty and His Succeſſours, ſhould have a conſtant, Rent and Dewty payed out of the whole Teinds of the ſaid Kingdom conſiſting in victual, or ſilver, excepting the particular Teinds, excepted and reſerved be the ſaid Act, *viz.* Of every boll of the beſt Teind Wheat, *Ten ſhillings*, of every Boll of beſt Teind Bear, *Eight ſhillings*, and of every Boll of the beſt Teind Oats, Peaſe, and Rye, *Sex ſhillings*, and ſo the ſaids Rents to be modified out of the whole of the Teind bolls of victual, of the Teinds foreſaids, being of inferiour worth, goodneſs, and, prices, according to the proportion of the ſaids Dewties, and Rent, laid, and impoſed upon the beſt Boll of every kinde, in manner foreſaid, And where Oats are of the nature, that they will not render above half meale, the Rent to be *Three ſhillings*: And alſo of every *Hundred merks* of Parſonage, and Viccarage Teinds, which are not Victual, the ſum of *Sex merks* money, of yearly rent, and dewty: LIKEAS the ſaids Commiſſioners having entered upon conſideration of the compoſition to have been given be his Sacred Majeſty, for the Few-mails, and other certain rent depending upon the Superiority of the ſaids

 Erections

Erections, and for the Teinds, Parſonage, and Viccarage, pertaining to the ſaids Erections, and anent the rate, and price of the ſaids Teinds; THE SAIDS COMMISSIONERS be their Act of the date the 29. day of *June*, laſt by-paſt, *Found*, that all Superiorities of Erections, ſhould be freely reſigned, and ſurrendered, in his Majeſties hands, without any compoſition. And becauſe the ſaids Commiſſioners could not uniformly agree anent the compoſition to be payed for the Few-ferms, Few-mails, and other conſtant Rent of the ſaids Superiorities, nor yet anent the true eſtimation, in the rate, quantity, and prices of the ſame, *Therefore*, be another Act of the date the 29. day of *May* laſt by-paſt, It was condeſended that the determination thereof ſhould be refered to his Sacred Majeſty. AND all the ſaids perſons acknowledging in all humility, his Majeſties Royal and Princely care, providence, and wiſdom, with his Fatherly and tender affection, tending to the removing of all theſe queſtions, and contraverſies, and to the publick well, and good of the Kingdom; THEREFORE, All the ſaids Perſons, have with one conſent, and aſſent, of certain knowledge and proper motive, Ratified, and Approven the ſaid Act made be the ſaids Commiſſioners, anent the ſaid conſtant Rent, and Dewty, to be payed to his Majeſty, and His Succeſſours, forth of the Rents of the Kingdom, except, as is excepted in the ſaid Act, and with the quality, reſtrictions, and proviſions, mentioned in the ſaid Act, which is of the date the 29. of *May* laſt by-paſt, Together with the ſaid other Act made upon the ſaid 29. of *June* laſt by-paſt: Whereby It is Ordained, That all Superiorities of Erections ſhall be freely reſigned, and ſurrendered in his Majeſties hands: Likeas the ſaids Perſons, and every one of them, for all Right, and Title, which they have, or may pretend to the Superiorities of whatſoever Lands pertaining to whatſoever Benefices erected, of whatſoever Title, name, or deſignation, the ſame be, Are content in all humility, promptitude, and alacrity of mind, To make ſurrender of the ſaids Superiorities, in manner after-mentioned. And therefore They, and every one of them, of certain knowledge, and proper motive, have made, conſtitute, and ordained, and be their preſents makes, conſtituts, and Ordains, Maſter *William Elphingſtoun*, Cup-bearer to his Majeſty, and

Their Procuratours: With power to them, and ilk ane of them, conjunctly, and ſeverally, to compear before their Gracious, and Dread Soveraign, his Sacred Majeſty, and his Succeſſours, or before their Commiſſioners', having power to receive Reſignations, whatſoever day, and place convenient, and there, with all humility and reverence as becomes, To Reſign, up-give, and Surrender, in the hands of their ſaid Gracious, and Dread Soveraign, his Sacred Majeſty, and his Succeſſours, or in the hands of their Commiſſioners foreſaids, *Ad perpetuam remanentiam:* Likeas they and every one of them, for their own right, for them, and their Succeſſours, Reſigns, and Surrenders in his Majeſties hands, *Ad perpetuam remanentiam*, The Right and Title of Superiority, of all and ſundrie Lands, Barronies, Milnes, Woods, Fiſhings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatſoever Erections, and Temporalities of Benefices, of whatſoever Title, name, or deſignation, the ſame be, to which, they, or any of them, have, or may pretend to have, or pretend right of Superiorty, at the day and date of their preſents, and which are holden of them, as Lords of Erection be

Reſerving unto them, and every one of them, the Few-mails, and Few-ferms, of their ſaids Superiorities, ay and while they receive payment, and ſatisfaction, of that which ſhall be ordained to be payed to them for the ſame, in manner after-mentioned. LIKEAS, It is expreſly provided, and declared, that they ſhall uſe, bruick, and poſſeſs, the ſaids Few-mails, Few-ferms, of the ſaids Superiorities, ay and while they receive payment, and ſatisfaction, of the compoſition which ſhall be ordained, and appointed to them, be vertue of the Submiſſion after-mentioned. and that by vertue of their preſent Rights, and Infeſtments of the ſame; Notwithſtanding of the ſurrender, and reſignation above-ſpecified, or any thing that ſhall follow thereupon. And als it is expreſly declared, that under the Surrenders, and Reſignations above-ſpecified, ſhall no wayes be comprehended, the right of property of whatſoever Lands, Barronies, Woods, Fiſhings, Manour-places, Milns, Multers, and Others of the ſaids erected Benefices, pertaining to the ſaids Surrenderers in property, and whereof they have had, or acquired the right of property of before, or ſince the ſaids Erections, be whatſoever manner of way, according to the Law of the Kingdom, To be holden of his Majeſty, and His Succeſſours, as the ſame were holden before the date of the ſaids Erections: And alſo reſerving to them, the whole proviſions, reſervations, and other favours, and Benefites, granted, and reſerved to them, be his Sacred Majeſty, be vertue of the ſaid Commiſſion: *And ſpecially*, but prejudice of the generality foreſaid, Reſerving the particular clauſes following, whereby his Sacred Majeſty hath declared, That it is not his Majeſties intention, nor pleaſure, to quarrel, and annull, any of the confirmed Fewes, or other lawfull Rights of any of the Lands, Temporalities of Benefices, formerly ſet be the Ancient Titulars thereof, without diminution of the Rentals, or Fewes granted be his Majeſties late Father, to any of the Lords of Erection before their Erections, without diminution of the Rentals, or Fewes bought *bona fide*, be any of the Lords of Erection, or by any other from them, before His Majeſties late Revocation, from any Heretour thereof, without diminution of the Rentals, nor yet to quarrel, nor annul, any of the ſaids Fewes, ſet be the ſaids Lords of Erection, before his Majeſties late Revocation, to any of their own Vaſſals, without diminution of the old Rental. And whereby it is declared, That it is his Majeſties ſpecial will and pleaſure, That the Manſions, Circuits, Places, Orchards, and Gardens, of all the ſaids erected Benefices, ſhall be fewed unto ſuch of the ſaids Lords of Erections, as are in preſent actual poſſeſſion thereof, without any other compo-

compoſition then a very ſmall Few-dewtie, to be a teſtimony, that the ſame are holden of his Majeſty immediatly. And alſo that ſuch Demeſſuages, and other Meſſuages Lands, or other parts of the ſaid Temporalities of Benefices, as were never of before ſet in Few, or Rental, by the Ancient Titulars before the Act of Annexation, nor by his Majeſties deareſt Father of Eternal memory, ſince the ſaid Act, and yet is preſently poſſeſt be any of the ſaids Lords of Erections, *May*, and ſhall be fewed to the ſaids Lords of Erections, and to no others over their heads nor to their prejudice, and that for ſuch reaſonable Few-dewties, as the ſaids Commiſſioners ſhall appoint. And als that ſuch Lands of the Temporalities of Benefices which are not erected, ſhall be Fewed to the preſent Poſſeſſours thereof, and to no others, for ſuch a reaſonable compoſition, and Few-dewties, as the ſaids Commiſſioners ſhall think fit, according to the validity and invalidity of their preſent Titles, which his Majeſty is graciouſly pleaſed to amend to them, by all the lawful wayes, and means that ſhall be adviſed by the ſaids Commiſſioners. Which whole Infeftments, Rights, and Securities, his Majeſty hath graciouſly pronounced to be ratified, and ſecured by Deliverance, Decreet, and Confirmation of Parliament; As in the ſaid Commiſſion at more length is contained. *And alſo* it is ſpecially provided, that the ſaids Perſons, and every one of them, ſhall be no farther obliged in warrandice of the Reſignation above-ſpecified, but from their own proper fact, & deed allennerly. *And ſiclike* all the ſaids Perſons have ratified, and approven, and be thir preſents Ratifies, and Approves the ſaſd Act made by the ſaids Commiſſioners upon the 29. of *June* laſt by-paſt, Where by the determination of the Compoſition for Few-mails, with the quantity, rate, and price of Teinds, is referred to His Sacred Majeſty. *And farther*, To the effect, that this general and great work intended for the ſecurity of every Heretour his own Teinds, may be brought to full perfection, All the ſaids Perſons of certain knowledge, and proper motive, have of new ſubmited, and by theſe preſents ſubmits, To his Majeſty, to ſtand, & abide, at His Maj: Determination, and Decreet, anent what compoſition, and ſatisfaction, ſhall be given by his Majeſty, to them, or any of them, for the Few-mails, Few-ferms, and other conſtant Rent of the ſaids Superiorities Reſigned, and Surendered be them, in his Majeſties hands, as ſaid is; And doe freely, and abſolutly by theſe preſents ſubmit to his Majeſty, All and ſundrie Teinds that they or any of them have of other Mens Lands, by whatſoever Right or Title, they poſſeſs or occupy the ſame: Submiting likewiſe to his Majeſty, how they may be denuded thereof in his Majeſties favours, *omni habili modo quo de jure*; *And* doe in like manner ſubmit to his Majeſty to appoint the quantity, and rate thereof, and what price ſhall be given them for the ſame, and what ſecurities ſhall be made there anent, They alwayes being freed, and releived of the burden of Miniſters, *pro rata*. *And becauſe* his Majeſty will take ſpecially into his Princely conſideration, the lawful Rights, and Tacks of Teinds, of Erected Benefices, and of all Laick Patronages, made and ſet to the preſent Poſſeſſours, or their Authors, by lawful Abbots, Priors, Laick Patrons, and other Titulars of Benefices, lawfully ſet before the date of the ſaids Erections, and for the ſpace, and years of the ſaids Tacks, Rights, and Patronages yet to run, to the effect they may have plenarie and full ſatisfaction for the ſaids Tacks, Rights, and Patronages, according as his Majeſty ſhall find the validity thereof, as is uſual in the like caſes, with the burden alwayes of his Majeſties Annuity above-mentioned, *And to the effect* his Majeſty may be informed of their ſaids Tacks and Rights, before the giving forth of his Majeſties determination in the premiſſes; ſuch of the Lords of Erection, and other Perſons foreſaids, as have ſuch Rights, and Tacks, made, and ſet to them, or their Predeceſſours, or Authors, before the ſaids Erections, ſhall be oblidged to exhibit, Likeas they oblidge themſelves, to exhibite, and produce the ſaids Rights, and Writs, to his Majeſties Advocats, at ſuch diets, and times, as ſhall be Ordained by his Sacred Majeſty, or his Majeſties Chancellour, at his Majeſties command, and direction, before the giving forth of his Majeſties determination upon the premiſſes. AND ALSO it is ſpecially PROVIDED, that this preſent Submiſſion, ſhall no wayes be extended, to the Teinds of whatſoever Lands, and Barronies, pertaining to the ſaids Perſons Surrenderers in property, but that the Teinds of their own Lands ſhall be ſpecially excepted out of this preſent Submiſſion, the ſame being alwayes ſubject and lyable to his Majeſties annuity foreſaid. AND ALSO IT IS PROVIDED, That this preſent Submiſſion ſhall be no wayes prejudicial, to whatſoever action of Warrandice, competent to the ſaids Perſons Submitters, or any of them, againſt their Authors, from whom they bought, and acquired the Rights of the ſaids Teinds, which falls with in the compaſs of this preſent Submiſſion, be ſums of money; But that either their actions of Warandice, ſhall be reſerved to them, conform to the tenour of the Rights made to them thereupon; Or otherwiſe, that the ſatisfaction to be decerned in their favours, ſhall be anſwerable to their Warrandice, and no wayes inferiour thereto, The ſaids Perſons, and ſo many of them as have their actions of Warrandice reſerved to them in manner foreſaid, exhibiting, and producing their ſaids Rights bearing the warrandice foreſaid, To his Majeſties Advocats, at ſuch diets, and times, as ſhall be appointed, & preſcribed to them by his Majeſty, or by his Majeſties Chancellour, at his Majeſties command, and direction, before the giving forth of his Majeſties determination in the premiſſes. *And all the ſaids Perſons* are content and conſents, That his Sacred Majeſty give forth his pleaſure, and determination, anent the premiſſes referred to his Majeſty, in manner foreſaid, betwixt the day, and date hereof, and the firſt day of *Auguſt* next to come. With power alſo to his Majeſty to prorogat the time of his giving forth of the ſaid determination, to whatſoever, ever day or diet thereafter, as ſhall ſeem good to his Majeſty, out of his Royal Wiſdom. LIKEAS, all the ſaids Perſons binds and oblidges them, their Heirs, and Succeſſours, in all humility

to fulfil, obtemper, and obey his Majeſties ſaid determination, They receiving lawful and perfect ſecurities, conform to the tenour of his Majeſties Commiſſion foreſaid; And alſo receiving real payment of that which ſhall be ordained be his Majeſty, before they denude themſelves, either of right or Poſſeſſion, of the ſaids Few-mails, and Teinds, And that, at, or within ſuch time or times, as his Majeſty ſhall appoint, be his ſaid determination. *And for the more ſecurity*, All the ſaids perſons and every one of them are content, and conſents, that thir preſents, with his Majeſties determination to follow thereupon, ſhall be Regiſtrat in the books of Council and Seſſion, and ſhall have the ſtrength and force of a Decreet of the Lords thereof, with execution to paſs thereupon, in form as effeirs; And the Horning to paſs on a ſimple charge of Ten dayes allennerly; And to that effect makes and conſtituts

Their procuratours to compear and conſent to the Regiſtration hereof in manner foreſaid, *In Witneſs* whereof (written be *William Ferguſon* Writer in *Edinburgh*) All the ſaids perſons have ſubſcribed thir preſents, with their hands, Likeas his Sacred Majeſty, in token of His gracious acceptation hereof hath ſubſcribed the ſame with His Majeſties hand, days, year, and places foreſaids, Before thir Witneſſes &c. *Sic ſubſcribitur*; *Auplin*, *Lennox*, *Hamiltoun*, *Marr*, *Mareſchal*, *Mortoun*, *Rothes*, *Menteith*, *Eglingtoun*, for my ſelf and my Son, *Nithiſdaile*, *Wintoun*, *Haddingtoun*, *Linlithgow*, *Buchan*, *Murray*, *Home*, *Roxburgh*, *Buccleugh*, *Lauderdale*, for my ſelf and my Son, *Seaforth*, *Galloway*, *Annandale*, *Abercorne*, *Kellie*, *Aire*, *William Cuninghame*, *Boyd*, *Lindſay*, *Binning*, as Curatour for my Lord *Lindſay*, Conſents, *Balmerinoch*, *Cowper*, *Haly-rood-houſe*, *Cranſtoun*, *Carnegie*, *Loudoun*, *Spynie*, *Lindores*, *Gray*, *Thomas Bruce*, for the Teinds of *Cowper*, *Ochiltry*, *Traquair*, *Drumlangrig*, *John Stewart*, *Andrew Ker*, *Henrie Areſkin*, Sir *John Hamiltoun*, *Annabel* Counteſs of *Lothian*, Curatrix to *Anna Ker*, Conſents, Sir *George Elphingſtoun*, *Colin Cambel*, Fiar of *Glenurquhie*, for my ſelf, and taking Burden for my Father, and *Alexander Campbel* my Nephew, *Sempil* as Procuratour for my Lord *Sempil*, *Robert Innes* of that Ilk, *James Livingſtoun*, Sir *Robert Gordoun*, *Maſter George Fletcher*, *Archibald Campbel*, *Robert Dalzel*, *James Carmichael*, *James Lockhart*, Sir *Alexander Gordoun*, *Patrick Home Strauchan*, *Hay*, *Lundie*, *George Bruce*, *James Bailie*, *Richard Balfour* of *Denmylne*, Maſter *Patrck Lindſay*, Sir *John Campbel* of *Calder*.

Writen on the back of the Submiſſion above-written. Superſcribed *by his* MAIESTY.

CHARLES R.

WEE *CHARLES*, *By the grace of God*, *King of Great* Britain, France, *and* Ireland; *Defender of the* Faith &c. *Prorogats the Submiſſion within written, with Our Decreet and Determination to be given be Us thereupon, unto the laſt day of* December 1629. *years*, *Betwixt and the which day, or any time within the ſame, it ſhall be Lawful to Us, to give forth Our* Determination *upon the ſaid Submiſſion*: *And Wills and conſents that this Prorogation be inſert in the* Books *of Council and Seſſion*, ad futuram rei memoriam. *And to that effect*, *makes and* Conſtituts

Our Procuratours, *With Power to them, or any of them*, *to compear for Us before the Lords of Our* Council *and Seſſion*, *and in Our Name to conſent to the regiſtration of this preſent Prorogation*, In Witneſs *whereof*, *Wee have Signed thir preſents with Our Hand*, *at Our* Palace *of*. White-hall, *the* 21 *day of* May, *the year of God* 1628. *Before thir Witneſſes*, William *Earl of* Menteith *Preſident of Our Privy Council of* SCOTLAND, *Sir* William Alexander *of* Menſtrie *Knight*, *Our Principal Secretary*, *Sir* James Skeen *of* Curriehil *Knight*, *Preſident of Our Colledge of* Juſtice, *Sir* Archibald Atchiſon *of* Glencairn, *alſo Our* Secretary, *and Sir* Thomas Hope *of* Craighal *Knight*, *Our* Advocat, *Maſter* Alexander Burnet *Servitour to the* Advocat, *Writter of the premiſſes*.

At WHITE-HAL *the* 14. *Day of May* 1628. *years*.

THE WHICH DAY, In preſence of me Notar Publick, and Witneſſes under-written, Maſter *William Elphingſtoun* Cup-bearer to his Majeſty, as Procuratour for the Conſtituents within-written, Compeared in preſence of his Sacred Majeſty, and in all Humility, and upon his Knees, Reſigned, and Surrendered in his Majeſties hands, *Ad perpetuam remanentiam*, the Right, and Title of Superiority, of all and ſundry Lands, Baronies, Milnes, Woods, Fiſhings, Towers, Fortalices, Mannour-places, and other Pertinents, pertaining to whatſoever Erections, and Temporalities of Benefices, of whatſoever Name or Deſignation, the ſame be of, To the which the Conſtituents, or any of them within-written, have, or may pretend right of Superiority, and which are holden of them, as Lords of Erections, be whatſoever his Majeſties Subjects, Reſerving, and under the Proviſions, and Reſervations within ſpecified. WHICH RESIGNATION, his Majeſty accepted with a ſpecial *Proviſo*, that the ſame ſhould be without prejudice

dice of His Majesties Rights, to the saids Superiorities, and that the Acception hereof shall not import a grant or acknowledgment, of any Right, or Title, of the saids Superiorities in the Persons of the saids Resigners, *sed accumulando jura juribus*. WHEREUPON Sir *Thomas Hope* of *Craighal* Advocat to his Majesty, in his Majesties name asked Instruments of me *Notar Publick* under subscribing. This was done within the said Palace of *Whitehal*, within his Majesties withdrawing Chamber, the same Day, Place, and Year foresaid, betwixt Eleven and Twelve houres before Noone, Before thir Witnesses, *George* Duke of *Buckinghame*, Sir *James Fullartoun*, Gentleman of His Majesties Bed-Chamber, Sir *William Alexander* of *Menstrie* Knight, Principal Secretary, Sir *Archibald Atchison* of *Glencairn* Knight, also Secretary to His Majesty, Sir *George Elphingstoun* of *Blythswood* Knight, *Justice-Clerk*, Witnesses required, and Desired to the Premisses. *Sic subscribitur Ita est Jacobus Phillip Notarius Publicus ad præmissa requisitus, Testan meis signo, et Subscriptione manualibus, &c.*

Submission made be the Bishops and Clergie of SCOTLAND, *To his Majesty, Anent the Rights of Teinds.*

AT The Day of One Thousand, six Hundred Twenty eight years Wee the *Arch-Bishops*, and *Bishops*, and remanent Clergie within the Kingdom of *Scotland* under Subscribing, Considering that His Sacred Majesty, Our Dread Soveraign, out of His Royal Care, Fatherly and tender affection to the Publick good of all his Majesties Subjects of His said Kingdom, for freeing them from the extremitie of damage, which may ensue to them, by leading of their Teinds, Intends to take such course as hereafter every Heretour may possess, and enjoy the Teinds of his own Lands, for payment of a reasonable Rate, and Dewty for the same; And Wee acknowledging our selves to be bound in Dewty for the advancement of that his Majesties Royal design, tending to the Publick good of the Commonwealth. And being most willing that such Heretours as are subject to the payment of any Teinds to Us, or any of Us, may have their own, being desirous therof, for payment to Us, and our Successours, of such a reasonable rate, and constant yearly Rent, as his Majesty shall determine to be the *Quota*, and Rates of the Teinds, within the rest of the Kingdom, so as the Rent and Dewty, in Silver, and Bols payed at the present, as well to Us, as to the Ministers serving at our particular Churches, be not in any sort hurt, or diminished. *And also* considering the great benefite, which the said course intended be His Majesty, may Import to Us and our Successours, who are thereby to have a certain, and yearly Rent, which may not be altered by any Titulars in prejudice of their Successours. THEREFORE to be bound and oblidged, Likeas Wee Bind and Oblidge Us, and Our Successours, to grant to every Heretour of the several Lands, the Teinds whereof doe appertain to us, or any of us (being desirous of the same) such sufficient security thereof, as may stand with the Laws of the Kingdom, and for such a reasonable Rate and Rent, or rentall Bols as his Majesty shall determine to be the *Quota*, and Rate of the Teinds: Submiting our selves hereby, to his Majesties Royal Decreet, and Sentence to be pronounced, at, or before the last Day of *December*, in the year of God 1629. And anent what lawful security in manner foresaid, shall be made, and given by Us, or any of Us, to the saids Heretours of their own Teinds, belonging to Our Bishopricks, or Benefices, for payment to be made, be the saids Heretours, to Us, and Our Successours of the said *Quota*, and Rate, or constant Rent, and Rental, to be set down be his Majesty, for the saids Teinds, out of the saids Lands subject in payment thereof yearly, in such manner, and at such terms, as his Majesty shall be pleased to appoint: And anent the making, setting down, and establishing of the said *Quota*, and Rate of the saids Teinds, Rental, or Rental-Bols, payable yearly, for the same to Us, and Our Successours; And anent what Security the saids Heretours shall make, for the sure, true, timeous, and thankful payment to Us, and Our Successours, of the said yearly Rent, and Rental-Bols, at such Times, and Terms of payment, as his Majesty shall think fit to be contained in the security of the said Teinds: And anent the Annuity hereafter payable, be the saids Heretours, for encrease of his Majesties Rent, *Providing* that Wee, and every one of Us, enjoy the Fruit, and Rent, of Our several Benefices, as they are Possest by Us, at this present time, and that the same be not hurt, nor diminished, neither in quantity, nor quality, whether the same be payed to Us, in Rental-Bols, or by gathering of the Teind-sheaves; But that Wee, and our Ministers, provided to the particular Churches under us, and our, and their Successours, may freely enjoy the same, without any alteration, and that such Rent as shall hereafter belong, and accresce to us, and any of us, and our Successours, by his Majesties said Decreet, anent the said *Quota* to be payed be the saids Heretours, for the remanent of the Teinds, which are not in our present possession, be secured and made sure to Us, and Our Successours, leaving the saids Heretours of the Lands, out of which the Teinds are due unto Us, To submit themselves to his Sacred Majesty his Decreet and Determination, anent the Annuitie, and other Premisses which concern them, to be pronounced before the said last Day of *December* 1629. AND for the more security, Wee, and every one of Us, are content, and consents, that thir presents be Insert and Registrat, Together with his Majesties Determination to follow thereupon, in the Books of Council, and Session of *Scotland*, to have the strength of a Decreet of the Lords thereof Interponed thereto, and that all Letters, and Execution needful may pass hereupon, in form as effeirs, and the Horning to pass on a simple charge of Ten dayes

 only

only: And for Regiſtrating hereof, and determination foreſaid to follow hereupon as ſaid is, Makes and Conſtituts Conjunctly and ſeverally, Our lawful Procuratours, *Promitten de rato*, *In Witneſs* whereof (Written be *John Law* Servitour to the Right Reverend Father in God *Iohn Archbiſhop* of *St. Andrewes*) We have Subſcribed thir preſents, with Our Hands, Day, Moneth, Year, and Place foreſaids, Before thir Witneſſes &c. *Sic Subſcribitur*, Biſhop *St. Andrewes*, B. *Dunkeld*, *James* B. *Glaſgow*, P. *Aberdeen*, J. B. *Caithneſs*, *Iohn* B. *Murray*, *Pat.* B. *Roſs*, *John Ep. Sodorenſis*, *David* B. *Brechin*, *And.* B. *Dumblane*, *And* B. *Galloway*, *And. Leſmorenſis*, *Geo: Orcaden.* J. *Primeroſe* Witneſs, Maſter *James Law* Witneſs to the Biſhop of *Galloway* his Subſcription.

Submiſſion made be the Burrowes, *To his Majeſty*, *Anent their Teinds.*

AT *PERTH*, The Second Day of *July* 1628. years, Wee the Commiſſioners of the Free Royal *Burrowes* of *Scotland*, under-Subſcribing, having full Power, and Commiſſion, from Our ſeveral Burghs under-written, for their Right to the Teinds, great, and ſmall, Parſonage, and Viccarage, of all, and whatſoever Beneſices, doted be his Majeſties moſt Royal Progenitours, be Vertue of the Acts of Parliament, and Securities made to them, and ilk one of them, for their own parts *reſpective*, for Suſtentation of the Miniſtrie, Colledges, Schools, and Hoſpitals, of the ſeveral Burghs under-ſpecified, to the effect aftermentioned. CONSIDERING, That his Sacred Majeſty, Our Dread Soveraign, Out of his Fatherly, and tender affection, and Royal care to the publick good of all his Majeſties Subjects, of his Majeſties Native, and Ancient Kingdom of *Scotland*, for freeing them from the extremity, and damage, which may enſue to them, by leading of their Teinds, Intends to take ſuch courſe, as hereafter ilk Man may poſſeſs and enjoy the Teinds of the Lands pertaining to him in property. AND Wee acknowledging our ſelvs to be bound in dewty, to the advancement of all his Majeſties Royal deſigns, tending to ſo publick a good; THEREFORE to be Bound, and Oblidged, Likeas Wee, and ilk ane of us for our own Burghs *reſpective* under-writen, Binds, and Oblidges Us, and Our Succeſſours, to grant unto the Heretours of the ſeveral Lands, whereof the Teinds doth to Us appertain, after the expiring of the preſent Tacks already granted be Us, to the preſent Tackſ-men, ſuch Rights, and Securities, for perpetual enjoying of their own Teinds, and for payment of ſuch Rates, and Teind Rental, and Teind Bolls of Victual, as his Majeſty in His Royal Judgment ſhall decern; Wee Submiting our ſelves, ilk ane of us for our own parts hereanent, To his Majeſties Royall Decreet, and Sentence, and what ſhall be the true Rate, Eſtimation, and Quantity of the ſaids Teinds, and what Security ſhall be made to Us, be the ſaids Heretours, for yearly payment to be made to Us, ilk ane of Us for our own parts, of the ſaids Teind-Bols of Victual, of ſuch ſorts, as ſhall grow upon the ſame Lands yearly, as ſhall be decerned by his Majeſty, betwixt *Zuile* and *Candlemes*, for payment whereof, the ſame Lands ſhall be lyable, and bound in ſecurity for the ſame. And are content, and conſents, ilk ane of Us, for our own parts, That his Sacred Majeſty give forth his pleaſure, and determination, anent the premiſſes, Referred to his Majeſty in manner foreſaid, betwixt the day, and date hereof, and the laſt day of *December*, in the year of God 1629, as ſhall ſeem good to his Majeſty. With power alſo to his Majeſty, to prorogat the time of the giving forth of his ſaid determination, to whatſoever day, or dayes thereafter, as ſhall ſeem good to his Majeſty, out of his Royall Wiſdom, *And farther* Binds, and Oblidges Us, and Our Succeſſours, ilk ane of Us for our own parts, and Burghs, *reſpective* under-written, In caſe it ſhall be found, that the Rents of the Teinds, great, or ſmall, Victual, or Silver Dewty of the ſame, doted for Satisfaction of the Miniſters, Rectors, and Regents of Our Colledges, Maſters of Our Schools, and Poor of Our Hoſpitals of Our ſeveral Burghs, payed to Us, ſhall exceed the ſeveral Sums of Money expended be Us, for the foreſaids Pious Uſes, and their entertainment in the Stipends of the ſaids Miniſters, Rectors, Regents of Our Colledges, Maſters of Our Schools, and of Our Poor, and of Our ſaids Hoſpitals, then, and in that caſe, to pay yearly to his Majeſty, and his Collectours, ilk ane of them for their own parts, forth of the ſuper-plus and excreſce of the ſaids dewties remaining, by and attour the payment of the Stipends of the ſaids Miniſters, Rectors, and Regents of our ſaids Colledges, Maſters of Our Schools, and entertainment of the Poor in our ſaids Hoſpitals, out of ilk Boll of beſt Wheat, *Ten ſhillings*, and out of ilk Boll of beſt Bear, *Eight ſhillings*, And out of ilk Boll of beſt Oats, Peaſe, and Meale, *Sex ſhillings*, and the ſaid Rent to be Modified out of the whole Reſt of the Teind-Bols of Victual of theſe Teinds foreſaids, being of inferiour worth, goodneſs, and prices, According to the proportion of the ſaid dewty, and rent, made, and impoſed upon the beſt Boll of every kind in manner foreſaid. And where Oats are of the Nature that they will not render above halfe Meale, the Rent to be *Three ſhillings*, And of every *Hundred Merks* of Perſonage, and Viccarage Teinds, which are not of Victual, the Sum of *Six Merks* money, of yearly Rent, and Dewty. AND FOR the more Security, Wee are content, and conſents, that thir preſents, with his Majeſties determination to follow hereupon, ſhall be Inſert, and Regiſtrat in the Books of Council, and Seſſion, and ſhall have the Strength of a decreet of the Lords thereof, with Execution to follow thereupon, in form as effeirs, And the Horning to paſs thereupon, On a ſimple Charge of Ten Dayes allennerly: And to that effect, Makes and Conſtituts Our Procuratours, To Compear, and Conſent to the Regiſtration hereof in manner foreſaid,

In

In Witneſs whereof (Written be *James Phillip* Servitour to Maſter *John Hay* Common *Clerk* of *Edinburgh*) Wee the Commiſſioners of the Burghs under-written, have ſubſcribed thir preſents with Our Hands: Likeas his Sacred Majeſty, in token of his acceptation hereof, hath Superſcribed the ſame with his Majeſties Hand, Day, Year, and Place foreſaids, Before thir *Witneſſes*, *George Sutie*, *Patrick Eleis*, and *John Tod*, Burgeſſes of the ſaid Burgh of *Edinburgh*, and *Alexander M^c^naught* Writter, with diverſe others. *Sic Subſcribtur*, *Alex: Peebles* Moderatour. *John M^c^naught* for *Edinburgh*, *Tho: Weir* for *Edinburgh*, *And: Wilſon* for *Perth*, *Thomas Halyburtoun* for *Dundee*, Maſter *Alexander Forbeſs* for *Aberdeen*, *Alex: Cowan* for *Stirling*, *Will: Bell* for *Linlithgow*, *Simeon Greg* for *St. Andrews*, *Gabriel Cuningham* for *Glaſgow*, *John Knight* for *Aire*, Mr. *James Cockburn* for *Hadingtoun*, *David Chriſtiſon* for *Dyſert*, *Alex: Law* for *Kirkaldie*, *John Jarden* for *Montroſs*, *Rob: Pearſon* for *Couper*, *Henry Moreis* for *Anſtruther*, *John Irving* for *Dumfreis*, *Duncan Forbeſs* for *Innerneſs*, *Will: Meiklejohn* for *Bruntiſland*, Mr. *Rob: Cuninghame* for *Kinghorn*, *Allan Dunlap* for *Irwing*, Mr. *John Ruthersfurd* for *Jedburgh*, *John Ewart* for *Kircudburgh*, *Pat: Edgar* for *Wigtoun*, Mr. *Thomas Wardlaw* for *Dumfermling*, Mr. *John Ker* for *Selkirk*, *Geo: Purveſs* for *Dumbar*, Mr. *Ja: Pearſon* for *Arbroth*, *Alexander Muir* for *Peebles*, *David Watſon* for *Dumbartoun*, *Gideon Jack* for *Lanerk*, *Tho: Cuningham* for *Carrail*, *David Forreſt* for *Tayne*, Mr. *Edward Black* for *Cubroſs*. *Andrew Hunter* for *Forfar*, *Iohn Thomſon* for *Rutherglen*, *John Meinzies* for *Northberwick*, *George King younger* for *Pettinweym*. *Ita eſt Magiſter Alexander Guthrie Scriba Burgorum*, *Regni Scotiæ Notarius Publicus*, *in præmiſſis requiſitus*, *nomine reliquorum Burgorum*, *de ſpeciali mandato reliquorum Commiſſionariorum*; *Teſtan his meis Signo*, *& Subſcriptione Manualibus*, Mr. *Alexander Guthrie*, *George Sutie* Witneſs, *Patrick Eleis* Witneſs, *John Tod* Witneſs, and *Alexander M^c^naught* Witneſs.

Submiſſion made to His Majeſty, be certain Tackſmen, and Others having Right to Teinds, &c.

AT the *Eighteenth* day of 1628. The Perſons under-writen, having, or pretending a right, be whatſoever Title, Tack, or other manner of right, to whatſoever Teinds of other Mens Lands pertaining to whatſoever Biſhoprick, Abbacie, Priory, Parſonage, Viccarage, Colledge-Kirks, Prebendry, Chaplainry, or other Benefices whatſoever. And ſiclike, the Heretours, and Poſſeſſours, of whatſoever Lands lying within the ſaids Benefices, and who are deſirous to have the Teinds of their own proper Lands pertaining to the ſaids Benefices, at a competent rate, and price, conform to his Majeſties gracious intention, declared, and ſignified for the well of the Kingdom; And conform to his Majeſties many, and ſeveral Proclamations made thereanent, THAT IS TO SAY, The ſaids Perſons *Conſidering* that his Majeſty, their Dread, and Gracious Soveraign, out of his Royal care, Fatherly, and tender affection to the publick well of his Native, and moſt Ancient Kingdom of *Scotland*, was lately pleaſed in the Moneth of *Januar* 1627. Years, for the eaſe of his Majeſties Subjects, and removing the general fear which was conceived be reaſon of his Majeſties Revocation, given forth, and publiſhed, in the Moneth of *October*, 1625. years, to grant Commiſſion under his Majeſties Great Seal, to certain his Majeſties Commiſſioners, nominat in the ſaid Commiſſion, to Meet, Conveen, Deale, and Treat, anent ſuch reaſonable Compoſition, and Satisfaction, to be given to ſuch of his Majeſties Subjects, as had Right to whatſoever Erections of Benefices, Temporalities, Few-mails, Kirks, Teinds, and Others pertaining thereto, and how lawfull Diſpoſition may be made to the Heretours, and Poſſeſſours of Lands, of the Teinds of their ſaids Lands, for ſuch Compoſition, and yearly Dewty, to be payed, and Reſerved to his Sacred Majeſty, as the ſaids Commiſſioners ſhould think fit, and expedient: As in the ſaid Commiſſion of the Date foreſaid, bearing certain Declarations, Reſtrictions, and other Proviſions, in favours of his Majeſties Subjects having Right to Erections, and in favours of Heretours, and Poſſeſſours of Lands, for Security of their Teinds, at more length is contained. BE VERTUE, and CONFORM to the which Commiſſion, the ſaids Commiſſioners having Conveened, and Treated anent the Premiſſes, from the ſaid Moneth of *Januar*, to the laſt of *June* 1627. years, There was during that time, a great progreſs made be them, in the ſaid buſineſs committed to their care, And be an Act of the 29 of *May* 1627. years, It was Adviſed, Enacted, and Concluded, That his Majeſty, and his Succeſſours, ſhould have a conſtant Rent, and Dewty, payed out of the whole Teinds of the ſaid Kingdom, conſiſting in Victual, or Silver, Except the particular Teinds excepted, and reſerved be the ſaid Act, Likeas the ſaids Commiſſioners having entered upon conſideration of the Rate, and Price of Teinds, found ſuch difficulties, as they could not uniformly agree upon the true Eſtimation of the ſaids Teinds, in the Rate, Quality, and Prices thereof; And Therefore be ane Act of the Date of the ſaid 29 Day of *June* 1627. years, Condeſended that the determination thereof ſhould be referred to his Sacred Majeſty, As the ſaids Acts of the Dates foreſaids, in themſelves at more length proports. And all the ſaids Perſons acknowledging in all Humility, his Majeſties Royall, and Princely Care, Providence, and Wiſdom, with his Fatherly, and tender Affection, Tending to the removing of all queſtions, and controverſies, to the publick well, and good of the Kingdom. THEREFORE All the ſaids Perſons, with one conſent, and aſſent, of certain Knowledge, and proper Motive, have Ratified, and Approven the ſaid Act made be the ſaids Commiſſioners, anent the ſaid conſtant

ſtant Rent, and Dewty, to be payed to his Majeſty, and his Succeſſours, forth of the Teinds of the Kingdom, Except as is excepted in the ſaid Act, and with the qualities, reſtrictions, and proviſions mentioned in the ſaid Act, which is of the date the ſaid 29. of *May* 1627. years, Together with the ſaid other Act, made upon the ſaid 29. Day of *June* 1627. Years, whereby the Determination of the rates, quality, and prices, of Teinds of other Men's Lands is referred to his Sacred Majeſty. AND FOR SAMEIKLE as there was a General Submiſſion drawn up concerning the premiſſes, which was ſubſcribed be the moſt part of the Titulars, and Heretours of the Kingdom, And that a few number deferred to ſubſcribe the ſaids Submiſſions, upon pretence that the Arch-Biſhops, Biſhops, Parſons, Vicars, and others of the Clergy of the Kingdom who had Right to the Teinds, had notſubſcribed the ſaids ſubmiſſions, which Impediment is now removed, in reſpect the Arch-Biſhops, and Biſhops, have ſubſcribed a ſeveral ſubmiſſion to his Majeſty, In ſo farre as concerns the Teinds pertaining to the Biſhopriks. AND his Majeſty being willing, and reſolved, to have ane univerſal order eſtabliſhed within the whole Kingdom, anent the matter of Teinds, and that every Heretour ſhall have, and bruick his own Teinds, of whatſoever nature the ſaid Teinds be, and to whatſoever Benefice the ſame pertains, at a competent Rate, and Price, THEREFORE his Majeſty be his Letter, and Warrand, direct to the Commiſſioners for Teinds, of the date the day of laſt by-paſt, hath ſignified his Majeſties Gracious will and pleaſure; That all Titulars of Teinds, pertaining to whatſoever Kirk, or Benefice, and als all Heretours of Lands, the Teinds whereof pertains to the ſaid Benefices, or Kirk ſhall ſubſcribe a general ſubmiſſion to his Majeſty in referring to his Majeſty the price, rate, and quantity of whatſoever Teinds of other Men's Lands: WHICH Letter being read, and conſidered be the ſaids Commiſſioners for Teinds, They be their Act of the date the day of *December* laſt by-paſt, have in all Humility acknowledged his Majeſties Gracious, and Fatherly Care, for the Good of his Ancient Kingdom, and have allowed, and approven the ſaid Letter, and Interponed their authority thereto. *And* all the ſaids Perſons being moſt ready, and willing, in all humility, ſubmiſſion, Promptitude, and Alacrity of Mind, to give Obedience to his Majeſties deſire for the Publick well of the Kingdom. THEREFORE They all of certain knowledge, and proper motive, have ſubmitted to his Sacred Majeſty, All and ſundrie Teinds, that they, or any of them have of other mens Lands, be whatſoever Right, or Title, they poſſeſs, or enjoy the ſame, and how they may be denuded *Omni habili modo quo de jure*, And in like manner do ſubmit to his Majeſty, to appoint the rate, and quantity of Teinds, and what prices ſhall be given for the ſame, and what ſecurity ſhall be made of the Teinds of other Mens Lands, to the Heretours, and Poſſeſſours thereof, in ſuch form as may ſtand by Law: And all the ſaids Perſons are content, and conſents, that his Sacred Majeſty give forth his pleaſure, and Determination, anent the premiſſes refered to his Majeſty in manner foreſaid, betwixt the day, and date hereof, and the laſt day of *December* 1629. years: With power alſo to his Majeſty to prorogat the time of the giving forth of his ſaid Determination, to whatſoever day, or dayes thereafter, as ſhall ſeem good to his Majeſty, out of his Royall Wiſdom. Likeas all the ſaids Perſons, Binds, and Oblidges them, their Heirs, and Succeſſours, in all Humility to obtemper, fulfill, and obey, his Majeſties ſaid Determination, they receiving perfect, and Lawful ſecurities, conform to the Tenour of his Majeſties Commiſſion foreſaid, and als receiving real payment of that which ſhall be Ordained by his Majeſty, before they denude themſelves, either of Right, or Poſſeſſion of the ſaids Teinds, and that, at, or within ſuch time, or times as his Majeſty ſhall appoint, be his ſaid Determination. AND for the more ſecurity, all the ſaids Perſons, and every one of them, are content, and conſents, that thir preſents, with his Majeſties Determination to follow hereupon, ſhall be inſert, and Regiſtrat in the Books of Council, and Seſſion, and ſhall have the ſtrength of a Decreet of the Lords thereof, and Execution to paſs thereupon, in form as effeirs, and the Horning to paſs one a ſimple charge of Ten dayes allennerly, And to that effect makes, and Conſtituts Their Procuratours to compear, and conſent to the Regiſtration thereof, in manner fore ſaid. *In Witneſs* whereof (Written be *William Ferguſon* Writter,) All the ſaids perſons have Subſcribed thir preſents, with their hands, day, year, and place foreſaids. Before thir Witneſſes &c. *Sic Subſcribitur*, Ja. of *Lawes*, *John Buchanan* Portioner of *Batlaſlie*. *Ita eſt Walterus Watſon Notarius Publicus in præmiſſis requiſitis, de mandato dicti Jacobi Buntein de Kirktoun, ſcribere neſcien, ut aſſeruit, & hunc Calamum meum tangen, Teſte manu propria. Ita eſt Robertus Glen Connotarius in præmiſſis requiſitus, de ſpeciali mandato dicti Jacobi Buntein de Kirktoun Scribere neſcien, ut aſſeruit, Teſte manu propria.*

A PROCLAMATION

By his Majeſty, For Publiſhing his Majeſties Decreets upon the Submiſſions foreſaids.

CHARLES By the grace of God, King of Great *Britain*, *France*. and *Ireland*, Defender of the *Faith*, To Our Lovits, *Lyon* King at *Armes*, and his Brethren *Heraulds*, *Meſſengers*, Our *Shirreffs* in that part, conjunctly, and ſeverally, ſpecially conſtitute, greeting. FOR SAMEIKLE, As

As Wee having now after good Advice, and Deliberation, pronounced, and given forth Our Royal Decreet, Sentence, and Determination, in the matters referred, and submitted unto Us, by the General Submissions made by the Arch-Bishops, and Bishops, Lords of Erections, Patrons of Kirks, and Benefices, Titulars of Teinds, and Heretours of the Lands out of which Teinds are payed, and by Our Burrowes, and Others Our subjects, particularly expressed in the saids Submissions, as in the four several Decreets following, prononced by Us in these matters, at length is contained. AND Wee finding it necessary, and expedient for the good of Our subjects, that Publication, and Intimation should be made of Our saids Decreets, to the intent that Our subjects being acquainted with the Tenour, and substance of the same, they may be the better prepared and resolved, to obtemper, & obey the same. Wee therefore Recommended to the Lords of Our Privy Council, the Publication of Our saids Decreets, which Decreets being exhibit unto Our said Council, and Read in their Audience, upon the Eighteenth Day of *September* instant, and they in all dewtiful Obedience, acquiescing to Our Royal Direction anent the Publication of Our saids Decreets: Therefore they have Ordained, and Ordains, the saids Decreets to be Pubished at the Mercat-Crosses of the Head Burrowes of this Our Kingdom, and hath Ordained these Our Letters to be direct for that effect, as an Act made thereupon bears, OUR WILL IS Herefore, and Wee Charge you straitly, and Commands, that incontinent these Our Letters seen you pass to the Mercat Cros of *Edinburgh* and to the remanent Mercat Crosses of the head Burrowes of this Our Kingdom, and there by open Proclamation, in Our Name, and Authority make Publication, and Intimation of Our saids Decreets, To all, and sundry Our Lieges, and Subjects, wherethrough none pretend ignornace of the same: As you will answer to Us thereupon: The which to doe, Wee commit to you conjunctly, and severally, Our full power by these Our Letters, delivering the same by you duely Execut, and Indorsed again to the Bearer.

GIVEN under Our Signet, at Holy-rude-house, *the Eighteenth Day of* September, *and of Our Reigne the fifth Year* 1629.

Per Actum Dominorum Secreti Concilij.

HERE FOLLOWETH THE TENOUR OF THE *DECREETS.*

His Majesties Determination upon the first General Submissions.

CHARLES By the grace of God King of Great *Britain, France*, and *Ireland*, Defender of the Faith. To all and sundry Our Subjects whom it effeirs. FOR SAMEIKLE as by the general Submissions made to Us, by all and sundry persons, having, or pretending Right to whatsoever Erections, and Temporalities of Benefices, Superiorities, and Few-dewties of the same, or to the Kirks, and Teinds, great, and small, Parsonages, and Vicarages, or to Patronages of Kirks pertaining to Erections, or to any Teinds, which they, or any of them have of Other Mens Lands, by whatsoever Right. or Title: And als by the Heretours, and Possessours of Lands lying within the saids Kirks, and Benefices erected, for themselves, and in name of all Others, who were desirous to have the Right, and Title of the Teinds of their own Lands, at a competent rate, and price, conform to Our gracious Proclamations made to that effect; The saids Persons Subscribers of the saids general Submissions did submit themselves to Us; And are bound to stand, and abide, at Our determination, & decreet, anent what composition, and satisfaction shall be made, and given by Us, to them, or any of them; for the Few-mails, Few-ferms, and other constant Rent of the Superiorities, of whatsoever Lands, Barronies, Mylnes, Woods, Fishings, Towers, Fortlices, Mannour-places, and their pertinents, pertaining to whatsoever Erections, and Temporalities of Benefices, of whatsoever title, name, or designation, the same be, resigned, and surrendered by them in Our hands: And als did freely, and absolutly submit to Us, all and sundry Teinds, that they, or any of them have of Other mens Lands, by whatsoever Right, or Title, they possess, & enjoy the same: And how they may be denuded thereof, in Our favours, *Omni habili modo quo de jure*: and als submited to Us, to appoint the rate, and quantity of the saids Teinds, & what price should be given to them for the same, and what securities should be made thereanent, they alwayes being liberat of the burden of the Ministers Stipends *Prorata*; As in the saids general Submissions, containing diverse other Heads, and Articles, and bearing full power to Us to pronounce Our detetmination in the premisses, and als to Prorogat the time of giving forth of Our said determination, betwixt and the first day of *August* then next to come, and now by-gone, to whatsoever day, or dayes thereafter, at more length is contained. *And Wee Having* called up to Us a number of Our Nobility, Privy Council, and Others, able, expert, and well affected, to give their Advice to Us, in a matter of so great Importance, in the Moneths of *April*, and *May* 1628. years, with whom Wee had diverse meetings, and conferences; and heard, and considered, the Reasons, and Argumenrs of all Parties having interest, with their Opinions, and Judgments thereanent. *And* in respect of the consequence of the business, Wee took the same to Our farther consideration, and in the meane time Prorogat Our determination to be given upon the saids Submissions, till the last day of *December* 1629. years, betwixt and the which time, Wee Declared that Wee would give forth Our Royal determination in the matters submited to Us, by the saids general Submissions: AND NOW Wee being well, and ripely advised therein, and tendering the Well, and Plan-

tation

tation of the Kirks, with the Peace, and Quietneſs of that Our Ancient Kingdom, PRONOUNCE Our Sentence, and Determination as followes. IN THE FIRST, as to the compoſition to be given by Us, for the Few-mails, Few-ſerms, and other conſtant Rent of the ſaids Superiorities, *Wee Find*, and Decern the ſum of *One Thouſand merks Scots* money to be a competent, and reaſonable ſatisfaction, to be payed for each *Chalder* of Few-ferms Victual over-head, and for each *Hundred merks* money worth of all other conſtant Rent, of the ſaids Superiorities (not conſiſting in Victual, or Money, and not being naked ſervice of Vaſſals) the ſame being valued, and redacted in Moneys by Our Commiſſioners after-ſpecified: Deducing alwayes of the ſaids Few-ferms. Few-mails, and other conſtant Rent foreſaid, the Blench-dewties contained in the Infeftments of Erections made to the ſaids Submitters, or to their Authours: For the which *Wee find* that Wee ought, nor ſhould give no ſatisfaction, in reſpect the ſame pertains to Us, as Our proper Rent, by their ſaids Infeftments of Erections. *And becauſe* It is not conſtant what is the true Rental, and quantity of the ſaids Few-ferms, Few-mails, & other conſtant Rent of the ſaids Superiorities. & what part therof pertains to every particular Perſon, and what is free deducing the ſaids Blench-dewties, without the which were tryed, and known, there can be no payment made to them of the ſaid compoſition, and ſatisfaction; THEREFORE Wee Ordain the ſaids Lords of Erections, and all others having right to any part of the ſaids Few-ferms, Few-mails. and other conſtant Rent foreſaid of the ſaids Superiorities, to give in the juſt Rental of the ſaids Few-ferms, Few-mails, and other conſtant Rent of the ſaids Superiorities, and what par thereof pertains to every particular Perſon heretably in Life-rent, or otherwiſe; and what part thereof is preſently payed, or hath been payed to them, or any of them, having, or pretending right thereto, of the years preceeding the deceaſe of Our Umquhile deareſt Father of Eternal memory, and ſenſyne; and what is free thereof deducing the ſaids Blench-dewties before Our Commiſſioners nominat, or to be nominat by Us to that effect, at ſuch dayes, and times as they ſhall be required thereto: And to ſubſcribe the ſaids Rentals with their hands, and therein to be bound to Warrand the ſaids Rentals to be juſt Rentals thereof, from their own deed; and that the ſame hath been payed theſe Seven years immediatly by-gone, at the leaſt payable by lawful Fews ſet befo re the Act of Annexation: And that the ſame is not burdened with any penſion, nor Life-rent, nor other right flowing from them, their Authours, or Predeceſſours, ſince the date of their Erections, which may prejudge Our preſent Intromiſſion therewith: Which being done, and the ſaids Rentals tryed, allowed, and approven, by Our ſaids Commiſſioners, DECERNS, and ORDAINS, Our Theſaurer, Theſaurer-depute, and Receivers of Our Rents preſent, & to come to make a good & thankful payment to them, and every one of them, according to the ſaids Rentals, to be tryed by Our ſaids Commiſſioners, of the ſaid ſum of an *Thouſand merks*, for each *Chalder* of Few-ſerms, & for each *Hundred merks* of Few-mails, and for each *Hundred merks* worth of all other conſtant Rent foreſaid, of the ſaids Superiorities being valued, and redacted in Moneys by Our ſaids Commiſſioners, deducing the ſaids Blench-dewties as ſaid is, and that within the ſpace of a Moneth thereafter, with this ſpecial proviſion, and declaration: That in caſe Our ſaid Theſaurer-Principal, Theſaurer-Deput, and Receiverers, failzie in payment, that then, and in that caſe, the ſaids Lords of Erections, and other Perſons foreſaids, having right to the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid of the ſaids Superiorities, ſhall have good right to meddle, and intromet with the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid, of all years, and terms thereafter, ay and while the ſaids ſums be realy payed, and ſatisfied to them, and als with this proviſion, that if it ſhall happen any of the ſaids Lords of Erection, or any others having, or pretending right to the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid to failzie in compearing before the ſaids Lords Commiſſioners, and giving up of the true Rentals thereof, in manner above-deſigned, at the diets, and times to be aſſigned to them; That then, and in that caſe, it ſhall be lawful to Us, and Our Theſaurers, and Receivers, to intromet with the ſaids Few-ferms, Few-mails, and other conſtant Rent of the ſaids Superiorities, they alwayes being acted, and bound before Our ſaids Commiſſioners, appointed, or to be appointed by Us, to pay to the Perſon ſua failzieand the ſaid price, and compoſition of an *Thouſand merks* money for each *Chalder*, or *Hundred merks* of the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid: And that within the ſpace of a Moneth after they ſhall give up a juſt, and true Rental, in manner, and with Warrandice above-expreſt, and that the ſame ſhall be tryed, and found by Our ſaids Commiſſioners, to be Juſt, and Lawful: And als with this proviſion, that if the Failziers ſhall purge themſelves, by lawful, and reaſonable cauſes before Our ſaids Commiſſioners, of their not up-giving of their Rentals. That then, and in that caſe, Our ſaids Commiſſioners ſhall have power to appoint to them whoſe failzie ſhall be ſo purged, Annual-rent at *Ten* of the *Hundred*, from the time of Our Theſaurer's entry to their ſaide Few-mails, to the time of the payment of the ſaid Compoſition, which is appointed to be made at the up-giving of their ſaid Rentals in manner foreſaid. *And becauſe*, in trying of the Rentals of the ſaids Few-ferms, Few-mails. and other conſtant Rent foreſaid, there may occur queſtion betwixt Two, or moe Perſons, and Parties claiming right to the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid, in whole or in part, by Infeftments, Penſions, Life-rents, or other Right ſtanding in their Perſon; In the which caſe Juſtice, and Equity craveth that each Perſon ſhall receive a portion of the ſaid ſatisfaction, acording to the quality of their Right, whether the ſame be Life-rent, Fee, Penſion, Annual-rent, or other Right whatſoever, THEREFORE Wee Ordain Our ſaids Commiſſioners to take trial of the ſaids ſeveral Rights,

and

and accordingly to appoint the ſaids ſums ordained to be payed by Our ſaid Theſaurers, and Receivers for compoſition, and ſatisfaction as ſaid is, to be payed, or divided amongſt them, according to the quality of their Rights. *And Wee Will*, and *Declare* that the Difference or diſput to be made amongſt the ſaids Parties, having, or pretending to have right to the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid, after the true Rental thereof be once tryed, as ſaid is, ſhall be no hinderance nor impediment, to Our ſaid Theſaurer, and Theſaurer-deput, to medle, and intromet, with the ſaids Few-ferms, Few-mails, and other conſtant Rent of the ſaids Superiorities: They alwayes paying, or conſigning the ſaids ſums decerned by Us, as ſaid is, in preſence of the ſaids Commiſſioners, to be forth coming to all the ſaids Parties, who pretends intereſt thereo, according as Our ſaids Commiſſioners ſhall appoint. *And Farther* Wee Declare; that Our entry to the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid of the ſaids Superiorities, ſhall be, and begin at the Feaſt, and Term of *Whitſunday*, or *Martimeſs* next, and immediatly following the payment, or conſignation to be made by Our Theſaurer, Principal, or Deput in Our Name, to each perſon up-giver of his Rental of the ſums of money dew to be payed, conform to this Our Decreet, and determination, And at the term next, and immediatly following the failzie to be commited by thoſe who ſhall not give up their Rental in manner foreſaid, Our Theſaurer, and Theſaurer-depute, being alwayes acted for payment to them, after they ſhall give up their Rentals in manner foreſaid. *And* als Declares, if any of the ſaids Few-ferms, Few-mails, and other conſtant Rent foreſaid, be payable at other terms, nor the ſaids ordinary terms of *Whitſunday*, or *Martimeſs*, that Our entry ſhall be ruled, and divided according to the reſpect of the ſaids ordinary terms of *Whitſunday*, and *Martimeſs*, in manner above-expreſt, ſua that if payment, or conſignation ſhall be made by Us at *Whitſunday*, then the whole year, and Cropt ſhall be due to Us, and if the ſame ſhall happen to be at *Martimes*, then the halfe allennerly ſhall be dew to Us; And the like courſe to be obſerved, where the failzie ſhall be commited in not up-giving, of the Rentals in manner before expreſt. NEXT, Whereas the ſaids Perſons Submitters hath ſubmited to Us, All and ſundry the Teinds that they, or any of them have of Other mens Lands by whatſoever right, or title they poſſeſs, or enjoy the ſame, and how they may be denuded thereof in Our favours; And als have ſubmitted to Us the rate, and quantity of Teinds, price of the ſame, and manner of ſecurity to be made thereanent. *Wee find*, That it is neceſſary, and expedient, for the publick well, and peace of this Our Ancient Kingdom, and for the better providing of Kirks, and Miniſters Stipends, and for the eſtabliſhing of Schooles, and other Pious uſes, that each Heretour have, and enjoy his own Teinds. AND THEREFORE, to the effect, full, and perfect ſecurity may be made to every Heretour of his own Teinds. WEE DECERN, and ORDAIN, the ſaids Submitters, and every one of them, and their Heirs, to denude themſelves of the right of Other mens Teinds, in Our favours, by all lawful manner, as may ſtand by the Laws of the Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming. *And to that effect*, Wee decern the ſaid Submitters, and every one of them, and their Heirs, to exhibit their Rights, Infeftments, Tacks, and other ſecurities whatſoever, whereby they bruick the ſaids Teinds of Other Mens Lands, to Our Advocat, or Clerks of Our ſaids Commiſſions, at ſuch diets, and times, as they ſhall be required, to the effect, he upon the ſight thereof may form ſuch lawful, and valide ſecurities in Our favours as may ſtand by Law. *Which* ſecurities, Wee decern the ſaids Submitters to ſubſcribe, providing they be no farther oblidged in warrandice thereof, but from their own deeds, and from the facts, and deeds of their Predeceſſours, to whom they are Heirs. Excepting therefrom ſuch facts, and deeds, as is made, and perfected by any of the Submitters, and their foreſaids, in favours of the preſent Poſſeſſours, Tackſ-men, and others having right from them of the ſame Teinds. Whereupon they, and every one of them ſhall be oblidged to condeſcend at the time of the exhibition of their rights, to Our ſaid Advocat, or to the Clerks of Our ſaids Commiſſions. And as to the rate, and quantity of Teinds, Wee ratifie, and approve the courſe, and order taken by Our ſpecial Command, and direction for valuation of the whole Teinds of the Kingdom, ſo farre as ſhall be juſtly, and lawfuly done, according to the tenour of Our Commiſſions, and Ordains the Commiſſioners, and Sub-commiſſioners already appointed, or to be appointed to that effect, to exped the the ſame with all convenient diligence, and finds, and declares that the rate, and quantity of all Teinds of the Kingdom, is and ſhall be the Fifth part of the conſtant rent, which each land payeth in ſtock, and Teind, where the ſame are valued joyntly. And where the Teinds are valued a part, and ſeverally, *Findeth* that the rate, and quantity thereof is, and ſhall be ſuch as the ſame ſhall be valued, and eſteemed to, by the ſaids Commiſſioners, or Sub-Comiſſioners, Deducing alwayes the Eifth part thereof; Which Wee out of our Fatherly, and Royal care, for the well of Our ſaid Kingdom ordaine to be deduced off the ſaids Teinds ſeveraly valued as ſaid is, for the eaſe, and comfort of Our Subjects: Reſerving alwayes liberty to ſuch as ſhall be enormly hurt, and greived in the valuations foreſaids, either conjunctly, or ſeveraly made, to appeale to Us, or Our Parliament; to the effect Wee may take ſuch order therein, as may rectifie all abuſes, and diſorders committed, or to be committed in the ſaids valuations. AND AS to the price of Teinds, *Wee Find* the price of each *Hundred merks* of Teinds conſiſting in money, to be valued, and eſteemed to Nine years purchaſe, and where the ſaids Teinds conſiſts in Victual, or other bodies of Goods; Becauſe there is great difference of the quality of Victual, and of the other bodies of Teinds, both in ſpaces, and kinds, and in worth, and goodneſs, according to the diverſe places in the Countrey where the ſame groweth, and are bred; *Therefore* Wee *Decern*, and *Ordain* tryal to be taken by Our Commiſſioners appointed, or to be appointed by Us, of the price,

 worth,

worth, and eſtimation of each Chalder of Victual, and of all other bodies of Goods, wherein the Teinds conſiſteth in Kinds, and Goodneſs, as the ſame commonly ruleth in each part of the Countrey: And this being tryed, and condeſcended upon, and the prices thereof being reduced in moneys: *Wee find* the juſt, and reaſonable Price thereof to be eſteemed to Nine years purchaſe: And Wee declare this Nine years purchaſe, to be the juſt price of the heretable right of Teinds, where the Seller hath the heretable right thereof; But where his rights are not heretable, but temporal, and conſiſteth in Leaſes, and Tacks, or ſome other temporal right, whereof there are many, or few years to run: Wee Declare the price in this caſe to be ruled proportionally, according to the number of the years to run and quality of the rights. *And becauſe* many Heretours of Lands, hath Tacks long, or ſhort of their own Teinds, or ſome other right thereof ſtanding in their Perſon, in the which caſe it is not reaſonable, that the Heretours ſhould pay the full price to the Perſons having right to their Teinds. *Therefore* Wee referre this point alſo to our Commiſſioners appointed, or to be appointed, to determine, and ſet down the proportion of the price, according to the years of the Tacks to run, and quality of rights ſtanding in the Perſons of the ſaids Heretours, and according to the quality of the Rights ſtanding in the Perſons of thoſe who hath Title to the ſaids Teinds, after the out-runing of the Heretours Tacks, and rights of the ſame. *It is alwayes Declared*, that the ſaids Heretours who ſhall buy their own Teinds, ſhall be oblidged to pay for no more of the ſame, but ſuch as ſhall reſt byand attour the Miniſters Stipends, and other pious uſes, which by the tenour of the General Commiſſion are ordained to be firſt provided, *And als* that thoſe who ſhall not buy their own Teinds, and are to be ſubject in payment of the rate of their Teind above-ſpecified, ſhall be no farther oblidged in payment thereof to the ſaids Titulars, but with deduction of ſuch part & portion thereof, as is, or ſhall be provided to the maintenance of the ſaids Miniſters, and other pious uſes foreſaids, expreſt in the ſaid general Commiſſion, Which Wee Will, and Ordain to be deduced, according to the tenour of the ſaid Commiſſion, and Acts thereof made, ot to be made therein, Or in any other Commiſſion to be appointed hereafter by Us, in favours of the Miniſters, and other pious uſes therein mentioned. *And Declares* the ſaids Titulars to be free, and liberat of the Miniſters Stipends *pro rata*. *And Decerns* the ſaids Heretours to free, and relieve the ſaids Titulars at the hands of the Miniſters, and others having right of that part of the ſaids Teinds, which ſhall be aſſigned, and appointed to be payed to the ſaids Miniſters, and to the other pious uſes foreſaids: And als to relieve the ſaids Titulars at Our hands anent the payment of Our Annuity; And to make yearly payment of the foreſaids burdens, for relieſe of the ſaids Titulars *Pro rata*. AND SICLYKE *Wee Decern*, where Wee, or any other have right to Teinds, after inſpection of their Evidents, and due conſideration of their Rights by Our ſelfe, or by ſuch Commiſſioners, as Wee ſhall appoint, That accordingly in regard of the rights that Wee, or they ſhall be found to have, and for making up of a perfect right to the Heretours, ſuch a part, or price, or payable Rent ſhall be ordained to be payed, and applyed to Our, or their uſe. AND *Becauſe* Wee have a ſpecial, and particular intereſt in the Teinds of Erected Benefices, and that Reaſon, Conſcience, and Juſtice craveth, that a part of the price thereof, or where price is not payed, a part of the yearly dewty ſhould be applyed to Our uſe. *And becauſe* all Erections are not of one nature, and kind, but ſome of them deſerveth more conſideration, and reſpect nor others, according to the true cauſes, merits, and ſervices, for which the ſame were granted. THEREFORE Wee remit the tryal hereof to Our ſaids Commiſſioners, to determine what proportion of price, or rent ſhall be defeaſed, and allowed to Us of the ſaids Teinds of Erections, according to the validity, and merit of each Perſons rights after the production of the ſame to Our Advocat. AND *becauſe*, by ane expreſs clauſe in the ſaids Submiſſions, It is ſpecialy Declared by Us, That Wee would take to Our Princely conſideration, the lawfull Tacks, and Rights of Teinds of erected Benefices, and of all Laick-Patronages, made, and ſet to the preſent Poſſeſſours, or their Authors, by lawful Abbots, Laick-Patrons, and others Titulars of Benefices, lawfully ſet before the dates of the ſaids Erections: And for the ſpaces, and years of the ſaid Tacks, Rights, and Patronages as yet ro run; To the effect that they might have full, and plenary ſatisfaction for the ſaids Tacks, Rights, and Patronages according as Wee ſhould find the validity thereof, as is uſual in the like caſes, with the burden alwayes of Our Annuity mentioned in the ſaids General Securities, and Submiſſions. *And to the effect*, Wee might be informed of their ſaids Tacks, and Rights, before the giving forth of Our determination in the premiſſes. IT WAS, and is ORDAINED, and *Provided*, that ſuch of the ſaids Lords of Erections, and other Perſons foreſaids, as have ſuch Tacks, or Rights made, and ſet unto them, their Predeceſſours, and Authours, before the ſaids Erections, ſhould exhibit, and produce the ſame to Our Advocat, at ſuch diets, and times, as ſhould be appointed by Us, or Our Chancellour, at Our command, and direction, before the giving forth of Our determinations in the premiſſes: LYKEAS alſo it is ſpecialy provided, That the ſaids general Submiſſions, ſhould no wayes be prejudicial to whatſoever action of Warrandice competent to the ſaids perſons Submitters, or any of them, againſt their Authours from whom they bought, or acquired their Rights of the ſaids Teinds (which falleth within the Compaſs of the ſaids Submiſſions) for ſums of money; But that either the ſaids actions of Warrandice ſhall be reſerved unto them, conform to the tenour of their Rights made to them thereupon: Or otherwiſe, That the ſatisfaction to be decerned in their favours ſhall be anſwerable to their warrandice, and no wayes inferiour thereto; The ſaid Perſons, and ſua many of them who have their actions of warrandice reſerved to them in manner foreſaid, Exhibiting, and producing their ſaids rights,

bearing

bearing the warrandice foresaid, To Our Advocat, at such diets, and times as should be appointed, and prescribed to them by Us, or Our Chancellour, at Our command, and direction, before the giving forth of Our Determination in the Premisses; As in the saids general Submissions at more length is contained. AND FOR SAMEIRLE As Wee according to the provisions contained in the saids Submissions, by Our Letter, of the date the last day of *Junij* 1628. Gave special warrand to Our Commissioners for production of the foresaids Tacks, Leases, and others foresaids, who by their Act, and Ordinance of the date the Eight day of *August*, and by publick Proclamation past thereupon: Ordained that all the saids Persons having interest, should compear before them upon the first of *November* 1628. years; Bringing, and producing with them, all their Leasses, and Tacks of Other Mens Teinds, set to them, or their Authours, before their Erections, together with all their rights, and securities of the foresaids Teinds, bearing absolute warrandice, or warrandice of their own moneys in case of eviction: To the effect, the same might be seen, and considered by Our Advocat, with certification to them that failzies, that they should not be heard to claime any satisfaction for the same thereafter. *And* that some few allanerly of the saids Persons having interest, have given in their Tacks, and Rights, bearing warrandice as said is: Sua that by rigour of Law, Wee might give out Our Determination without respect of the saids Rights, not produced to Our said Advocat, conform to the provision contained in the saids Submissions. YET WEE out of Our Royal clemencie, and goodness DECERN, and ORDAIN full, and plenary satisfaction to be made, not only to those who have already produced, and whose productions are extent in the Registers of the said general Commission: But also to all other persons Submiters, who have lawful Tacks set to them, their Predecessours, or Authours of the saids Teinds of Erected Benefices, which falleth within the compass of the saids Submissions, for the Rights of the saids Teinds during the spaces contained in their saids Tacks, and that without any defalcation, or diminution of the price thereof, in respect of Our particular right, and interest; But according to the full availe of the years to run contained in the saids Tacks; They alwayes exhibiting, and producing to Our Advocat for the time, or Clerks of Our Commissions foresaids, their saids Leasses, and Tacks, betwixt this and the last day of *May* next to come, and no otherwayes; And because after production thereof, every Person will not have alike years, and spaces to run in their saids Tacks; *Therefore* Wee referre to Our saids Commissioners to set down the just worth, and valuation of the saids Tacks set before the saids Erections, according to the number, and spaces of years of the same which is yet to run; And to modifie the said price, to each Person accordingly. AND SICLIKE, Wee *Decern*, and *Ordain* That the saids Persons Submitters, nor none of them shall be any wayes prejudged by their saids Submissions, of their actions of warrandice, competent to them against their Authours, from whom they bought, or acquired their Rights of the saids Teinds, which falleth within the compass of the saids Submissions: But declares their saids actions of warrandice, to be free, and reserved to them, allowing alwayes in the first end thereof, so much as they are to receive by vertue of this Our determination, in the first end of their said warrandice; And if any of them shall happen to be prejudged by, or through occasion of their subscribing of the saids Submissions, of their saids actions of warrandice, and to be debarred therefra in whole, or in part, by occasion thereof. In that case Wee *Decern*, that whatsoever by Law they might obtain against their saids Authours by their action of warrandice, for warranding of their rights of the saids Teinds, which falleth within the compass of the saids general Submissions: And for the which they are or shall be debarred by and through the saids Submissions, and this Our determination following thereupon: That the same shall be refounded to them by Our said Thesaurer-principal, Thesaurer-depute, and Receivers foresaids: They alwayes exhibiting, and producing to Our said Advocat, or Clerks of Our Commissions foresaids, their saids rights bearing warrandice in manner foresaid, betwixt and the last day of *May* next to come, and none otherwise. AND Wee FIND, and DECLARE, That this general course, and order, That every Heretour shall bruick, and possess his own Teinds, shall have begining in this instant year of God 1629. years, The saids Heretours being alwayes ready to fullfil, and perform their part of this Our determination, *And to the effect*, that the saids Titulars may receive full, and compleat satisfaction of the price of the saids Teinds, sua farre as is due to them by this Our determination, from the saids Heretours who shall buy their Teinds as said is, or where they shall not buy, that the saids Titulars may be secured in the yearly rate, and quantity of the saids Teinds to be payed to them of the said Cropt 1629 years, and yearly thereafter; *Wee Referre* the consideration of the terms of payment of the saids prices, And also the terms of payment of the said payable rent of the said Cropt 1629, and yearly thereafter, Together with the manner, and form of security to be given thereanent, by the saids Heretours, to the saids Titulars, unto Our saids Commissioners; To whom Wee give full power to set down, such ample securities as may stand by Law, both for Our security, and for the security of the saids Titulars in the premisses. Which form of security to be ordained by them, Wee decern the saids Heretours to observe, and fulfil in all points, after the form, and tenour thereof. *Like as* also Wee referre to the consideration of Our saids Commissioners, what manner of security shall be made by Us, to every Heretour of the Teinds of his own Lands; To the effect they may bruick the same heretably, and perpetually for ever, according to the meaning of this Our determination. AND WEE DECERN, the saids whole Persons Submitters, their Heirs, and Successours, to obtemper, fulfil, and obey this Our determination, in the whole Heads, and Articles thereof; They receiving lawful, and perfect securities, conform to the tenour

of Our

of Our Commiſſion, and whble heads thereof, particularly, and generaly mentioned in the ſaids general Submiſſions: And als receiving real payment of that which Wee have Ordained by this Our determination, before they denude themſelves, either of Right, or Poſſeſſion, of the ſaids Few-mails, and Teinds; And that in manner particularly expreſt in this Our determination, as is above-ſpecified. AND FINALLY, Wee Ordain this Our determination, with the whole Submiſſions, whereupon the ſame proceeds, to be regiſtrat in the books of Our Council, and Seſſion to have the ſtrength, and force of a Decreet of the Lords thereof, with execution to paſs thereupon in form as effeirs. and the Horning to paſs upon a ſimple charge of Ten dayes allanerly. And to that effect, makes, and conſtituts Our Advocat, Our Procuratour, to compear for Us, and conſent to the regiſtrating hereof, in manner foreſaid. *In Witneſs* whereof, Wee have ſigned theſe preſents with Our hand At *Windſore*, the ſecond day of *September*, the year of God 1629. years; Before theſe Witneſſes, *William* Earl of *Menteith*, *Preſident* of Our Council, and *High Juſtice* of *Scotland*; Sir *William Alexander* of *Menſtry* Knight, Our *Secretary*, Sir *Coline Campbel* of *Lundee* Knight, Barronet, Sir *James Lockhart* younger of *Ley* Knight, and Maſter *William Elphingſtoun* One of Our *Cup-bearers*.

His Majeſties Decreet *pronounced upon the* Submiſſions *made be certain* Tackſ-men, *and Others having Right to Teinds*

CHARLES By the Grace of God, King of Great *Britain*, *France*, and *Ireland*, Defender of the *Faith*: To all, and ſundry Our Subjects whom it effeirs. *For ſameikle*, as Wee being fully reſolved to have ane univerſal order eſtabliſhed within Our Kingdom of *Scotland*, anent the matter of Teinds; And that every Heretour ſhall have, and bruick his own Teinds, of whatſoever nature the ſaids Teinds be of, and to whatſoever benefice the ſame pertaineth, at a competent rate, and price; And underſtanding that diverſe of Our Subjects had deferred to ſubſcribe the firſt general Submiſſions anent the ſaids Teinds, upon pretence that the Arch-biſhops, Biſhops, Parſons, Vicars, and Others of the Clergy had not ſubſcribed the ſaids general Submiſſions: Which impediment was thereafter removed by a ſeveral Submiſſion, ſubſcribed by the ſaids Biſhops, and Clergy to Us. *Therefore*, Wee by Our Letter, and Warrand, directed to the Commiſſioners for Teinds, of the date the 28. day of *October* laſt by-paſt, did ſignify Our will, and pleaſure: That all Titulars of Teinds, pertaining to whatſoever Kirks, or Benefices; And als all Heretours of Lands, the Teinds whereof pertaine to the ſaids Benefices, and Kirks, ſhould ſubſcribe a general Submiſſion unto Us: Referring to Us the price, rate, and quantity of whatſoever Teinds of Other mens Lands. Which Letter being read, and conſidered by the ſaids Commiſſioners of Teinds, they by their Act of the date the Third day of *December* laſt by-paſt: Did in all humility acknowledge Our Gracious, and Fatherly care for the good of Our ſaid ancient Kingdom, and allowed, and approved the ſaid Letter, and interponed their Authority thereto. Conforme to the which there was certain Submiſſions drawn up: Whereby all Perſons ſubſcribers of the ſaids Submiſſions, having, or pretending right, by whatſoever Title, Tacks, or other manner of right, to whatſoever Teinds of Other mens Lands, pertaining to whatſoever Biſhoprick, Abbacy, Pryory, Parſonage, Vicarage, Colledge, Kirks, Prebendary Chaplanry, or other Benefice whatſoever: And ſiclike the Heretours, and Poſſeſſours of whatſoever Lands lying within the ſaids Benefices, and who are deſirous to have the Teinds of their own Lands pertaining to the ſaids Benefices, at a competent rate, and price, ſubmitted, and by the tenour of the ſaids Submiſſions, did Submit unto Us, All, and ſundry Teinds, that they, or any of them had of Other mens Lands, by whatſoever right, or title they Poſſeſſed, and enjoyed the ſame, and how they might be denuded thereof, *Omni habili modo qua de jure*. And als did ſubmit unto Us, to appoint the quantity, and rate of Teinds, and what price ſhall be given for the ſame, and what ſecurity ſhall be made of the Teinds of other mens Lands, to the Heretours, and Poſſeſſours thereof, in ſuch form as might ſtand by Law, and were contented, and conſented that wee ſhould give out Our pleaſure, and determination, anent the premiſſes referred to Us, in manner foreſaid, betwixt the day, and date of the ſaids Submiſſions, and the laſt day of *December*, 1629. years: As the the ſaids Submiſſions ſubſcribed by the particular Perſons, Titulars, and Heretours of the ſeveral dates thereof, in themſelves, more fully proports. *And Wee being well, and ripely* adviſed anent the premiſſes: And finding it neceſſar, and expedient for the publick well, and peace of that Our ancient Kingdom; and for the better providing of Kirks, and Miniſters Stipends, and for eſtabliſhing of Schools, and other Pious uſes: That each Heretour have, and enjoy his own Teinds: And therefore to the effect, full and perfect ſecurity may be made to every Heretour of his own Teinds: *Wee Decern*, and *Ordain*, The ſaids Submitters, and every one of them, and their Heirs, to denude themſelves of the right of Other mens Teinds, by all Lawful manner, as may ſtand by the Laws of Our Kingdom, and that of the Cropt 1629. years, and yearly thereafter in all time coming, and to make, and ſubſcribe good, valide, and lawful ſecurities to each Heretour of his own Teinds, by the ſight of Our Advocat preſent, and being for the time, providing they be no farther oblidged in warrandice thereof, but from their own deeds, and from the facts, and deeds of their Predeceſſours, to whom they are Heirs: Excepting therefrom ſuch facts, and deeds, as is made, and perfected

ſected by any of the Submitters, and their foreſaids, in favours of the preſent Poſſeſſours, Tackſ-men, and Others having right from them of the ſame Teinds. And as to the rate, and quantity of Teinds, Wee ratify, and approve the courſe, and order taken by Our ſpecial command, and direction, for valuation of the whole Teinds of the Kingdom, ſua far as ſhall be juſtly, and lawfully done according to the tenour of the Commiſſions: And Ordains the Commiſſioners, and Sub-Commiſſioners already appointed, or to be appointed for that effect, to exped the ſame with all convenient diligence. *And Finds*, and *Declares*, that the rate, and quantity of all the Teinds of the Kingdom, is, and ſhall be the *Fifth* part of the conſtant rent which each Lands payeth in ſtock, and Teind, where the ſame are valued joyntly: And where the Teinds are valued a part, and ſeverally, *Findeth* that the rate, and quantity thereof, is, and ſhall be ſuch as the ſame ſhall be valued, and eſteemed to, be the ſaids Commiſſioners, or Sub-Commiſſioners, deducing alwayes the *Fifth* part thereof, which Wee out of Our Royal, and Fatherly care for the well of Our ſaid Kingdom, Ordain to be deduced off the ſaids Teinds ſeverally valued as ſaid is, for the eaſe, and comfort of Our Subjects. Reſerving alwayes the liberty to ſuch as ſhall be enormly hurt, and greived, in the valuaions foreſaids, either conjunctly, or ſeverally, to appeale to Us, or to Our Parliament; To the effect Wee may take ſuch order therein, as may rectify all abuſes, and diſorders committed, or to be committed in the ſaids valuations. And as to the price of Teinds, Wee find the price of each *Hundreá merks* of Teinds conſiſting in money, to be valued and eſtimat to *Nine* years purchaſe. And where the ſaids Teinds conſiſts in Victual, or other bodies of Goods; Becauſe there is great difference of the quality of Victual, and of other bodies of Teinds, both in ſpecies, and kinds, and in worth, and goodneſs, accordinng to the diverſe places in the Countrey where the ſame growes, and are bred. *Therefore*, Wee decern, and Ordain tryal to be taken by Our Commiſſioners appointed, or to be appointed by Us, of the price, worth, and eſtimation of each Chalder of Victual, and of all other bodies of Goods, wherein the Teinds conſiſteth in kinds and goodneſs, as the ſame commonly ruleth in each part of the Countrey. And this being tryed, and condeſcended upon, and the prices thereof redacted to money, Wee find the juſt, and reaſonable price thereof, to be eſtimat to Nine years purchaſe: And Wee *Declare* this Nine years purchaſe to be the juſt price of the heretable right of Teinds, where the Seller hath the heretable right thereof; But where his right is not heretabel, but temporal, and conſiſts in Leaſes, and Tacks, or ſome other temporal right, whereof there are many, or few years to run. Wee declare the price in this caſe to be ruled proportionally, according to the number of the number of the years in the Tacks to run, and quality of the Rights. *And becauſe* many Heretours of Lands hath Tacks long, or ſhort of their own Teinds, or ſome other right thereof ſtanding in their perſon; In the which caſe it is not reaſonable that the Heretours ſhould pay the full price to the Perſons having right to their Teinds. *Therefore* Wee referre this point alſo to Our Commiſſioners appointed, or to be appointed, to determine, and ſet down the proportion of the price of Teinds, according to the years of the Tacks to run, and quality of the Rights ſtandiug in the perſons of the ſaids Heretours, and according to the quality of the rights ſtanding in the perſons of theſe who had Title to the ſaids Teinds, after the out-runing of the Heretours Tacks, and Rights of the ſame. *It is alwayes* declared, that the ſaids Heretours who ſhall buy their own Teinds, ſhall be oblidged to pay for no more of the ſame, but ſuch as ſhall reſt by and attour the Miniſters Stipend, and other Pious uſes, which by the tenour of the general Commiſſion, are ordained to be firſt provided. And als that thoſe who ſhall not buy their own Teinds, and are to be ſubject in payment of the rate of their Teinds above-ſpecified, ſhall be no farther oblidged in payment thereof to the ſaids Titulars, but with deduction of ſuch part, and portion thereof, as is reſting by and attour the ſaids Miniſters Stipends, and pious uſes foreſaids. *And ſicklike* Wee *Decern*, where Wee, or any of the ſaids Titulars have right to the Teinds of Other mens Lands, after inſpection of their rights, and due conſideration thereof by Our Commiſſioners appointed, or to be appointed for that effect; That accordingly in regard of the rights that Wee, or they ſhall be found to have, ſuch a part of the price, and payable rent, ſhall be ordained to be payed, and applyed to Our, or Their uſes. *And Wee Find*, and *Declare*, That this general courſe, and order, that every Heretour ſhall bruick, and poſſeſs his own Teinds, ſhall have begining in this inſtant Cropt, and year of God 1629. years: The ſaids Heretours being alwayes ready to fullfil, and perform their part of this Our determination. And to the effect that the ſaids Titulars may receive full, and compleat ſatisfaction of the price of the ſaids Teinds, ſua far as is due to them by this Our determination, from the ſaids Hererours who ſhall buy their own Teinds as ſaid is: Or where they ſhall not buy, that the ſaids Titulars may be ſecured, in the yearly rate, and quantity of the ſaids Teinds, to be payed to them of the ſaid Cropt 1629. and yearly thereafter, Wee referre the conſideration of the terms of payment of the ſaid payable rent of the ſaid Cropt 1629. years, and yearly thereafter, together with the manner, and form of the ſecurity to be given thereanent by the ſaids Heretours, to the ſaids Titulars, unto Our ſaids Commiſſioners, appointed, or to be appointed, To whom Wee give full power to ſet down ſuch ample ſecurities as may ſtand by Law, both for Our ſecurity, and for the ſecurity of the ſaids Titulars in the premiſſes: Which form of ſecurity to be ordained by them, Wee decern the ſaids Heretours to obſerve, and fulfil in all points, after the form, and tenour thereof. *And Wee Decern* the ſaids whole Perſons Submitters, their Heirs, and Succeſſours, to obtemper, fulfil, and obey, this Our determination, in the whole Heads, and Articles thereof, they receiving lawful, and perfect ſecurities,

 conform

conform to the tenour of Our Commiſſion, and whole heads thereof, particularly, and generally mentioned in the ſaids general Submiſſions: And als receiving real payment of that which Wee have ordained by this Our determination, before they denude themſelves either of right, or poſſeſſion of the ſaids Teinds, and that in manner particularly expreſt in this Our determination, above-ſpecified. *And finally* Wee ordain this Our determinatination, with the whole Submiſſions whereupon the ſame proceedeth, to be regiſtrat in the books of Our Council, & Seſſion: To have the ſtrength, & force of a Decreet of the Lords thereof, with execution to paſs thereupon, in form as effeirs, and the Horning to paſs upon a ſimple charge of Ten dayes allenerly. And to that effect makes, and conſtituts Our Advocat, Our Procuratour, to compear for Us, and conſent to the regiſtrating hereof in manner foreſaid. *In Witneſs* whereof Wee have Signed theſe preſents, with Our hand, At *Windſore* the Second day of *September*, the year of God 1629 years. Before theſe Witneſſes *William* Earle of *Menteith*, Preſident of Our Council, and High *Juſtice* of *Scotland*, Sir *William Alexander* of *Menſtry* Knight, Our Secretary, Sir *Coline Campbel* of *Lundie* Knight, Barronet, Sir *James Lockhart* younger of *Ley* Knight, Maſter *William Elphingſtoun*, One of Our *Cup-bearers*, and Maſter *John Maxwel* Miniſter at *Edinburgh*.

HIS MAJESTIES *DETERMINATION*

upon the Submiſſions *made by the* Biſhops

CHARLES By the Grace of God, King of Great *Britain*, *France*, and *Ireland*, Defender of the *Faith*. To all, and ſundry Our Subjects whom it effeirs. FOR SAMEIKLE As the Arch-Biſhops, Biſhops, and remanent Clergy within Our Kingdom of *Scotland*, Subſcribers of the Band, and Submiſſion after-ſpecified. *Conſidering* that Wee out of Our Royal care, Fatherly, and tender affection to the publick good of all Our Subjects of that Our Kingdom, for freeing them from the extremity, and damage which may enſue to them by leading of their Teinds, did intend to take ſuch courſe as hereafter every Heretour may poſſeſs, and enjoy the Teinds of his own Lands, for payment of a reaſonable rate, and dewty for the ſame: And the ſaids Arch-Biſhops, Biſhops and Clergy foreſaids, acknowledging themſelves to be bound in duty to advance that Our Royal deſigne; & being willing that all ſuch Heretours as are ſubject to the payment of any Teinds to them, or any of them, ſhall have their own Teinds, being deſirous thereof, for payment to them, and their Succeſſours, of ſuch a reaſonable rate, and conſtant yearly rent, as Wee ſhould determine to be the *Quota*, and rate of Teinds, within the reſt of Our ſaid Kingdom: So as the dewty, and rate in Silver, and Bolls payed at the preſent to them, or to the Miniſters ſerving at their particular Kirks, be not in any ſort hurt, nor diminiſhed: And als conſidering the great benefit, which the ſaid courſe intended by Us, may import to their Succeſſours, who are there by to have a certain, and conſtant yearly rent, which may not be altered by any Titulars in prejudice of their Succeſſours. *Therefore* the ſaids Arch-Biſhops, Biſhops, and remanent Clergy foreſaid, by their Band, and Submiſſion, ſubſcribed with their hand, of the date at The year of God 1628. years: Hath bound, and oblidged them, and their Succeſſours, to grant to every Heretour of the ſeveral Lands, whereof the Teinds doe appertain to them, or any of them, (being deſirous of the ſame) ſuch ſufficient ſecurity thereof as may ſtand with the Laws of the ſaid Kingdom: And for ſuch a reaſonable rate, and rent, or Rental Bolls, as Wee ſhall determine to be the *Quota*, and rate of Teinds: Submitting themſelves thereanent to Our Royal Decreet, and Sentence, to be pronounced at or before the laſt day of *December*, in the year of God 1629. years, And anent what lawful ſecurity in manner foreſaid, ſhall be made, or given by them, or any of them to the ſaids Heretours of their own Teinds belonging to their Biſhopricks, or Benefices; For payment to be made by the ſaids Heretours to them, and their Succeſſours, of the ſaid *Quota*, and rate, or conſtant rent, or Rental, to be ſet down by Us, for the ſaids Teinds out of the ſaids Lands ſubject to the payment thereof yearly in ſuch manner, and at ſuch terms, as Wee ſhall be pleaſed to appoint. And anent the making, ſetting down, and eſtabliſhing, of the ſaid *Quota*, or rate of the ſaids Teinds, rent, or rental-bols, payable yearly for the ſame, to them, and their Succeſſours. And anent what ſecurity the ſaids Heretours ſhall make for the ſure, true, timous, and thankful payment to them, and their Succeſſours of the ſaid yearly rent, and rental-bols, at ſuch times, and terms of payment, as Wee ſhall think fit to be contained in the ſecurities of the ſaids Teinds. And anent the Annuity hereafter payable by the ſaids Heretours, for encreaſe of Our Rents, providing that they, and every one of them peaceably enjoy the fruits, and rents of their ſeveral Benefices, as they were poſſeſt by them at the time of the ſaid Submiſſion, and that at ſuch rents as ſhould thereafter belong, and accreſce to them, or any of them, and their Succeſſours by Our ſaid Decreet, anent the ſaid *Quota* to be payed by the ſaids Heretours for the remanent of the ſaids Teinds which were not in their preſent poſſeſſion, ſhould be ſecured, and made ſure to them, and their Succeſſours, leaving the ſaids Heretours of the Lands, out of which the Teinds are due to them, to ſubmit themſelves to Our Decreet, and Determination, anent the Annuity, and other premiſſes, which concerns them, to be pronounced before the laſt day of *December*, 1629. years. With power to Us to give forth Our Sentence, Pleaſure,

Pleaſaure, and Determination anent the premiſſes, betwixt the date hereof and the ſaid laſt day of *December* 1629. years. As in the ſaid Band, and Submiſſion of the date foreſaid at more length is contained. *And Wee* having at great length conſidered, and adviſed, what is moſt fit to be done by Us, in the premiſſes Submitted to Us, both for the well of the faids Biſhops, and their Succeſſours, and for eſtabliſhing of a conſtant Victual Rent to them, after the expiring of the preſent Tacks, wherewith the ſame are burdened: And for better plantation of Kirks pertaining to them: And als for the peace, and quietneſs, of Our ſaid Kingdom, that no perſon have the leading of any Other mens Teinds, but the Heretours of the Lands allennerly: *Pronounceth* Our Sentence, and Determination therein as followeth. IN THE firſt Wee find the *Quota*, or rate of all Teinds pertaining to the ſaids Biſhopricks, and other Benefices foreſaids, which falleth within the compaſs of the ſaid Submiſſion, To be the Fifth part of that which each Land payeth of conſtant rent of Stock, and Teind, where the ſame are joyntly valued, conform to the courſe, and order taken, or to be taken for the valuation of the ſame. And where the Teinds are valued ſeverally, and apart, *Findeth* that the rate, and quantity thereof is, and ſhall be ſuch as the ſame ſhall be valued to by Our Commiſſioners appointed, or to be appointed to that effect: Deducing alwaies the fifth Part thereof, to make the ſame equal to conſtant rent *communibus annis*. *And Finds*, and *Declares* „that if in the valuation of the ſaids Teinds, either joyntly to be made with the Lands, or ſeverally, there be any ſenſible hurt, greivance, and prejudice committed, in exceſs, or diminution, which ſhall require to be rectified by Us: That it ſhall be lawful to the parties greived to appeal to Us, or to Our Parliament, to the effect Wee may ſee order put thereto as effeirs. And *Decerns*, and *Ordains*, the ſaids Submitters, and their Succeſſours, to grant to every Heretour of the ſeveral Lands, whereof the Teinds appertaineth to the ſaids Submitters, or any of them being deſirous of the ſame, and to their Heirs, and Succeſſours, Heretours of the ſaids Lands, ſuch ſufficient ſecurity thereof as may ſtand with the Laws of Our ſaid Kingdom, for payment of the ſaid rate, and rent, determined by Us, as ſaid is; And that of the Cropt, and year of God 1629. years, and yearly thereafter, the ſaids Heretours alwaies who ſhall deſire to have the right of their ſaids Teinds in manner foreſaid, their Heirs, and Succeſſours, making, and ſubſcribing ſuch lawful ſecurities to the ſaids Submitters, and their Succeſſours, for payment of the ſaid *Quota*, and Rate yearly, betwixt *Zuile*, and *Candlemeſs*, after the Cropt, with the deduction alwaies of Our Annuity forth of the excreſce of the Bols, and rent ariſing to the ſaids Submitters, and their Succeſſours, after the expiring of the preſent Tacks, in manner after-ſpecified: And that in ſuch lawful, and perfect manner, as may ſtand by the Laws of Our Kingdom, and ſhall be deviſed by Our Advocat; To whom Wee referre both the manner of right, and ſecurity, to be made by the ſaids Submitters, to the ſaids Heretours of the ſaids Teinds: And als of the ſecurity to be made by the ſaids Heretours to the ſaids Submitters, & their Succeſſours, for ſure payment of the rent, and dewty above-ſpecified, together with Our Annuity dew to Us, for encreaſe of Our Rent, to be payed by the ſaids Heretours, and their Succeſſours, to Us, and Our Suceſſours, for ſuch part of the ſaid rent, and Bols as ſhall accreſce to the ſaids Submitters by the valuations foreſaids, after the expiring of the preſent Tacks of the Teinds of their ſaids Lands, pertaining to their ſaids Biſhopricks, and Benefices. Which Annuity ſhall be allowed, and deſeaſed to the ſaids Heretours off the firſt end of the ſaid rent, which ſhall accreſce to the ſaids Submitters, and their Succeſſours as ſaid is, but prejudice alwaies to the ſaids Submitters, and their Succeſſours, and to the Miniſters provided to the ſeveral Kirks under them: To bruik, and poſſeſs the fruits, and rents of their ſeveral benefices, whereof payment was made to them, the time of the making of the ſaid Submiſſion, and that without all burden of Our ſaid annuity. AND *Wee Find*, and *Declare* That it ſhall not be lawful to the ſaids Submitters, and their Succeſſours, to be provided to the ſaids Biſhopricks, and Benefices, to ſet any Tacks long, or ſhort, or to make any other diſpoſition of the ſaids Teinds pertaining to the ſaids Biſhopricks, and Benefices, after the expiring of the preſent Tacks thereof, but allennerly for payment of the ſaid rate, rent, and Quota now determined by Us, which ſhall remain whole, entire, & unhurt in quantity, or quality, and ſo tranſmitted to the Succeſſours for ever, whithout any change, alteration, dimunition, converſion in money, or other prejudice whatſoever: Reſerving to Us Our Annuity of that which ſhall accreſce after the expiring of the preſent Tacks in manner foreſaid. *And Wee* Ordain this Our Determination, with the ſaid Submiſſion whereupon the ſame proceeds, to be Regiſtrat in the Books of Our Council, and Seſſion, to have the ſtrength, and force of a Decreet of the Lords thereof, with execution to paſs thereupon in form as effeirs: And the Horning to paſs upon a ſimple charge of Ten dayes allenerly. And to that effect makes, and conſtituts

Our Advocat, Our Procuratour, to compear for Us, and conſent to the Regiſtrating hereof in manner foreſaid. In Witneſs whereof, Wee have Signed theſe preſents with Our Hand, At *Windſore*, the Second day of *September*, the year of God, 1629. years. Before theſe Witneſſes, *William* Earle of *Menteith*, *Preſident* of Our Council, and High *Juſtice* of *Scotland*, Sir *William Alexander* of *Menſtry* Knight, Our *Secretary*, Sir *Coline Campbel* of *Lundie*, Knight, Barronet, Sir *James Lockhart* of *Ley* Knight, and Maſter *William Elphingſtoun*, One of Our *Cup-bearers*.

HIS MAJESTIES *DETERMINATION*, *upon the* Submiſſion *made by the* Burrowes.

CHARLES By the Grace of God King of Great *Britain*, *France*, and *Ireland*, Defender of the *Faith*, To all and ſundrie Our Subjects, whom it effeirs. *For Sameikle*, As the Commiſſioners of the free Royal Burrowes within Our Kingdom of *Scotland*, having full Power, and Commiſſion from their ſeveral Burghs; Conſidering that Wee out of Our Royal care, Fatherly. and tender affection, to the Publick good of all Our Subjects, of Our Native, and Ancient Kingdom of *Scotland*, for freeing them from the extremity, and damage, may enſue to them by leading of their Teinds; Intended to take ſuch courſe as thereafter each Man might poſſeſs and enjoy the Teinds of the Lands pertaining to him in propertie. And they acknowledging themſelves to be bound in duty to the advancement of all Our Royal deſigns tending to ſo Publick a good. *Therefore*, They by their Band, and Submiſſion, of the date at *Perth*, the Second day of *July*, the year of God 1628. years, Bound and Oblidged them, and each of them, Subſcribers of the ſaid Submiſſion, and their Succeſſours, for, and in name of the ſaids Burghs, to grant unto each Heretour of the ſeveral Lands, whereof the Teinds did to them appertain (after the expiring of the preſent Tacks already granted by them to the preſent Tackſ-men) ſuch rights, and ſecurities for perpetual enjoying of their own Teinds, and for payment of ſuch rates, and Teind, Rental, Bols of Victual, as Wee in Our Royal judgment ſhould decern: Submitting themſelves, & each one of them for their own parts thereanent, to Our Royal Decreet, and Sentence, and what ſhould be the true rate, eſtimation, and quantity of the ſaids Teinds, and what ſecurity ſhould be made to them, by the ſaids Heretours, for yearly payment to be made to them, each one for their own parts of the ſaids Teind-Bols of Victual, of ſuch ſorts as ſhould grow upon the ground of the ſaids Lands yearly; As ſhall be determined by Us betuixt *Zuile*, and *Candlemes*. For payment whereof the ſamine Lands ſhall be lyable, and bound in ſecurity of the ſamine: And were content, and conſented, each one for their own part, that Wee ſhould give forth Our pleaſure, and Determination. anent the premiſſes referred to Us in manner foreſaid, betuixt the date of the ſaid Submiſſion, and the laſt day of *December*, in the year of God, 1629. years: As in the ſaids Submiſſions of the date foreſaid, containing diverſe other Proviſions, at more length is contained. *And* Wee being well, and ripely adviſed anent the premiſſes, and finding it neceſſar, and expedient for the publick weil, and peace of that Our Ancient Kingdom, that each Heretour have, and enjoy his own Teinds. *Prononnceth* Our Sentence, and Determination therein as followeth. IN THE FIRST, Wee *Decern*, and *Ordain*, the ſaids Burrowes Royal, Proveſts, Baillies, and Council of the ſame, and their Succeſſours, whoſe Commiſſioners have ſubſcribed the ſaid Submiſſion; To grant unto each Heretour of the ſeveral Lands, whereof the Teinds doe appertain to them, their Heirs, and Succeſſours (after expiring of the preſent Tacks, already granted by them to the preſent Tackſ-men) ſuch Rights, and Securities, for perpetual enjoying of their own Teind, for payment of the Rates, & Rental-Bolls after mentioned in ſuch ample form, as may ſtand by the Laws of the Kingdom: The ſaids Heretours alwaies, and their foreſaids, making, and Subſcribing to the ſaids Royal Burrowes, & their Succeſſours, ſuch lawful Securities for payment of the *Quota*, and rate of Teinds after-ſpecified yearly, betuixt *Zuile*, and *Candlemes*, for payment whereof the ſamine lands ſhall be lyable, and bound in ſecurity for the ſame; And that in ſuch form, and manner as ſhall be deviſed by the ſight of Our Advocat for the time, to whom Wee referre the manner, and form of the Securities to be made by the ſaids Royal Burrowes, to the ſaids Heretours of their own Teinds, and by the ſaids Heretours, to the ſaids Royal Burrowes, of the rate, and *Quota* of Teinds after-ſpecified. *And* as to the rate, and quantity of Teinds, *Wee Find* the *Quota*, or rate of all Teinds pertaining to the ſaids Royal Burrowes, to be the *Fifth* part of that which each Land payeth of conſtant rent in Stock, and Teind, where the ſame are joyntly valued, conform to the courſe, and order taken, or to be taken for the valuation of the ſamine: And where the Teinds are valued ſeverally, and a part, *Findeth* that the rate, and quantity thereof is, and ſhall be ſuch as the ſame ſhall be valued to by Our Commiſſioners appointed, or to be appointed to that effect. Deducing alwaies the *Fifth* part thereof to make the ſamin equal to the conſtant rent *Communibus annis*. *And Finds*, and Declares, that if in the valuations of the ſaids Teinds, either joyntly to be made with the lands, or ſeverally, their be any ſenſible hurt, greivance, and prejudice committed in exceſs, or diminution, which ſhall require to be rectified by Us, that it ſhall be lawful to the parties greived, to appeale to Us, or to Our Parliament, to the effect, Wee may ſee order put thereto as effeirs. *And* Decerns this courſe, and order that every Heretour ſhall have his own Teinds, to have the begining in the Cropt, and year of God 1629. years: The Tacks ſet to the preſent Tackſ-men, being expired, or otherwiſe lawfully eſtabliſhed in the Perſon of the Heretour by the ſaids Tackſ-men who have right thereto. ATTOUR *Forſameikle*, as by the ſaid Band, and Submiſſion, the foreſaids Commiſſioners each one of them for their own parts, hath Bound, and Oblidged their ſaids Burrowes, and their Succeſſours, that in caſe it ſhall be found, that the rents of the Teinds great, and ſmall, Victual, or Silver dewties of the ſamine, doted for the ſuſtentation of Miniſters, Rector, and Regents of their Colledges, Maſters of their Schools, and poor of the Hoſpitals of their ſeveral Burghs payed to them ſhall exceed the yearly ſums of money expended by them for the foreſaids

ſaids Pious uſes, and their entertainment in the Stipends of the ſaids Miniſters, Rector. and Regents of their Colledges, Maſters of their Schools, and of the Poor in their ſaids Hoſpitals; Then and in that caſe, to pay yearly to Us, and Our Collectours, each one of them for their own parts forth of the ſuperplus, and excreſce of the ſaids dewties remaining by and attour the payment of the ſaids Stipends due to the ſaids Miniſters, Rectors, and Regents of their ſeveral Colledges, Maſters of their Schools, and entertainment of their Poor in their Hoſpitals. Our Annuity due to Us in manner expreſt in the ſaid Submiſſion. *Therefore Wee Ordain* Our Commiſſioners appointed, or to be appointed by Us, to take trial of the true eſtate of the Rents, and Teinds pertaining to each Burgh, and of the burden which they have for entertainment of their Miniſtry, and Poore, and of the Rector, and Regents of Colledges where the ſamine are, and to conſider if there be any ſuperplus, and excreſce by and attour the burdens foreſaids, forth of the which Our ſaid Annuity ought tobe payed; And according thereto, *Decerns* the ſaids Burrowes, and their Succeſſours, to make payment to Us, and Our Collectors, of Our Annuity which is due to Us forth of the ſaids ſuperplus, and excreſce if any ſhall be found as ſaid is. *And Wee* Ordain this Our Decreet, with the ſaid Submiſſion whereupon the ſamine proceeds to be regiſtrat in the Books of Our Council, and Seſſion, To have the force, and ſtrength of a Decreet of the Lords thereof, with execution to paſs thereupon, in form as effeirs: And the Horning to paſs upon a ſimple charge of Ten dayes allennerly; And to that effect makes, and conſtituts

..... Our Advocat, Our Procuratour, to compear for Us, and conſent to the regiſtrating hereof, in manner foreſaid. In Witneſs whereof, Wee have Signed theſe preſents with Our hand, At *Windſore* the Second day of *September*, the year of God 1629. years; Before theſe Witneſſes, *William* Earl of *Menteith*, Preſident of Our Council, and High Juſtice of *Scotland*, Sir *William Alexander* of *Menſtrie* Knight, Our Secretary, Sir *Coline Campbel* of *Lundie* Knight, Barronet, Sir *James Lockhart* younger of *Ley* Knight, Maſter *William Elphingſtoun* One of Our Cup-bearers, and Maſter *John Maxwel* Miniſter at *Edinburgh*.

FINIS.

THE

LAWS AND ACTS

OF THE FIRST

PARLIAMENT

Of Our Moſt High and Dread Soveraign

CHARLES THE SECOND

By the Grace of GOD, *King of* SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defender of the Faith*, &c.

Holden at *Edinburgh* the firſt of *January*, 1661. By a Noble Lord, *JOHN* Earl of *Middletoun*, Lord *Cleremont*, and *Fettercairn*, His MAJESTIE'S High Commiſſioner, for holding of this PARLIAMENT, by vertue of a Commiſſion under his *Majeſtie's* great Seale of this Kingdom:

With the ſpeciall advice and conſent of the Eſtates of PARLIAMENT.

Collected, and Extracted from the publick Records of the ſaid Kingdom, by Sir THOMAS MURRAY *of* Glendook, *Knight and Baronet, Clerk to His* Majeſtie's *Councid, Regiſter, and Rols, by his* Majeſtie's *ſpecial warrand.*



EDINBURGH,

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CUM PRIVILEGIO.


CAROLVS SECVNDVS D.G. MAGNÆ BRITANNIÆ FRANCIÆ ET HIBERNIÆ REX
Ia: Clark Sculp

THE

LAWS and ACTS

MADE IN THE FIRST

PARLIAMENT,

Of our moſt High and Dread SOVERAIGN,

CHARLES

THE SECOND,

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh* the firſt of *January*, 1661.

I.

ACT concerning the Preſident and Oath of Parliament.



FOraſmuch as it hath pleaſed Almighty GOD, to compaſſionat the troubles and confuſions of this Kingdom, by returning the Kings moſt Excellent *Majeſty* to the exerciſe of that Royal Government, under which, and its excellent conſtitution, this Kingdom hath for many ages injoyed ſo much happineſs, peace and plenty. And it being upon good and important conſiderations, an inviolable practice in this Government, before theſe troubles, that the perſon nominat by His *Majeſty*, to be His Chancellor within this Kingdom, did of right, and as due to his place, preſide in all Meetings of Parliament, and other publick Judicatories of the Kingdom, where he was preſent for the time. And His *Majeſty* now conſidering the great advantages do accreſs to the publick good of His Subiects, by the due obſervance of ſuch ancient and well grounded Cuſtoms and Conſtitutions, and the prejudices that do accompany a change thereof. Therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Declare, That the preſent Lord Chancellor, and ſuch as hereafter ſhall be nominat by His *Majeſty*, or His Royal Succeſſors, to ſucceed in that place; and in caſe of their abſence, ſuch as ſhall be nominate by His *Majeſty*, are by vertue and right of the ſaid office and ſuch nomination *reſpective*, to preſide in all meetings of His *Majeſties* Parliaments or other publick Judicatories of the Kingdom, where they ſhall happen to be preſent, and that they are now and in all time coming to enjoy this priviledge. And in diſcharge of this truſt, they are at the firſt down-ſitting of every Parliament, to adminiſter to all the Members thereof the Oath of Alledgiance, whereof the tenor follows;

I, for teſtification of my faithful obedience to my moſt gracious and redoubted Soveraign, CHARLES *King of* Great Britain, France *and* Ireland, Defender of the Faith, &c. *Affirm, teſtifie and declare, by this my ſolemn Oath, That I acknowledge my ſaid Soveraign only ſupream Go-*

vernour of this Kingdom, over all Persons and in all Causes; and that no Forraign Prince, Power or State, nor person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my utmost power, defend, assist and maintain His Majesties Jurisdiction foresaid against all deadly, and never decline His Majesties *Power nor Jurisdiction, as I shall answer to GOD.* With this addition, *And I shall faithfully give my Advice and Vote in every thing shall be propounded in Parliament, as I shall answer to GOD.*

Likeas His *Majesty*, with advice foresaid, doth hereby Rescind and Annull all Acts, Statutes or Practices, as to the President, or Oath of Parliament, which are prejudicial unto, or inconsistent with this present Act, and Declare the same to be void and null in all time coming.

III.

Act and Acknowledgement of His MAJESTIES *Prerogative, in the choice of His Officers of State, Councellors and Judges.*

THe Estates of Parliament, considering the great obligations that do ly upon them from the Law of GOD, the Law of Nations, the Municipal Laws of the Land, and their Oaths of Allegiance, to maintain and defend the Soveraign Power and Authority of the Kings *Majesty*, and the sad consequences that do accompany any incroachments upon, or diminutions thereof: Do therefore, from their sense of humble duty, Declare, That it is an inherent priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the sole choice and appointment of the Officers of State, and Privy Councellors, and the nomination of the Lords of Session as in former times, preceeding the year, 1637. And that the Kings Sacred *Majesty* and His Heirs and Successors are for ever, by vertue of that Royal Power, which they hold from GOD Almighty over this Kingdom, to enjoy and have the full exercise of that Right. And therefore, the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Acts, Statutes or Practices to the contrair, and Declare them to have been undutiful and disloyal invasions upon the Royal Prerogative, and to be void and null in all time coming.

III.

Act asserting His MAJESTIES *Royal Prerogative, in the calling and dissolving of Parliaments, and making of Laws.*

THe Estates of Parliament now conveened, by His *Majesties* special Authority, considering that the Quietness, Stability and Happiness of the people, do depend upon the Safety of the Kings *Majesties* Sacred Person, and the maintenance of His Soveraign Authority, Princely Power, and Prerogative Royal. And conceiving themselves oblieged in conscience, and in discharge of their duties to Almighty GOD, to the Kings *Majesty*, and to their native Country, to make a due acknowledgement thereof at this time; Do therefore unanimously Declare, that they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of Calling, Holding, Proroguing and Dissolving of Parliaments, and all Conventions and Meetings of the Estates, doth solely reside in the Kings *Majesty*, His Heirs and Successors. And that as no Parliament can be lawfully keeped without the special warrand and presence of the Kings *Majesty*, or His Commissioner; so no Acts, Sentences or Statutes, to be past in any Parliament, can be binding upon the people, or have the authority and force of Laws, without the special Authority and Approbation of the Kings *Majesty*, or His Commissioner interponed thereto, at the making thereof. And therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Rescind and Annull all Laws, Acts, Statutes or Practices that have been, or upon any pretext whatsoever, may be, or seem, contrair to, or inconsistent with, His *Majesties* just Power and Prerogative above-mentioned, and Declares the same to have been unlawful, and to be void and null in all time coming. And to the end that this Act and acknowledgment, which the Estates of Parliament, from the sense of their humble duty and certain knowledge have hereby made, may receive the more exact obedience in time coming, It is by His *Majesty*, with advice foresaid, Statute and Ordained, that the punctual observance thereof, be specially regarded by all His *Majesties* Subjects, and that none of them upon any pretext whatsoever, offer to call in question, impugne, or do any deed to the contrair hereof, under the pain of Treason.

IV.

IV.

Act asserting His MAJESTIES *Royal Prerogative, in making of Leagues and the Conventions of the Subjects.*

THe Estates of Parliament, considering that the maintenance of His *Majesties* Authority and Royal Prerogative, in and concerning the making of Leagues and the Conventions of the Subjects, is not only a necessary duty of the people, but of singular advantage to their happiness and peace: And that their Predecessors wisely foreseeing the good and benefit thereof, and the prejudices and miseries that inevitably did accompany the neglect of the same, did therefore by many several Acts and Laws, assert the Kings Prerogative and Authority therein; and particularly by the hundred and thirty one Act of the eight Parliament of King *James* the sixth, it is Statute and Ordained, That none of his Highness Subjects of whatsoever quality, state or function, presume to convocat, conveen or assemble themselves for holding of Councils, Conventions, or Assemblies, to treat, consult and determine in any matter of State, Civil or Ecclesiastick (except in the ordinary Judgements) without His *Majesties* special command, or express licence, had and obtained thereto, under the pains made against such as unlawfully convocats the Kings Leidges. And by the twelfth Act of the tenth Parliament, holden the tenth of *December*, one thousand five hundred and eighty five, It is by His *Majesty*, with advice of His three Estates, Statute and Ordained, that no Leagues nor Bonds be made among His Subjects of any degree, upon whatsoever colour or pretence, without His Highness or His Successors privitie and consent, had and obtained thereunto, under the pain to be holden and execute as movers of Sedition to the breach of the Peace. And now finding that the due observance of these Laws, might have contribute much to the preventing of these confusions and troubles, which in these late times have almost ruined both the Kings *Majesty* and all His loyal Subjects: Therefore His *Majesty*, with advice and consent of His Estates of Parliament, doth revive, renew, ratifie and approve these Acts abovementioned, and Ordain the same to be punctually obeyed in all time comming, conform to the tenor thereof, and under the pains therein contained. And Declares, that any explanation or glosse, that during these late troubles hath been put upon these Acts, as that they are not to be extended against any Leagues Councils, Conventions, Assemblies or Meetings, made, holden or kept by the Subjects for preservation of the Kings *Majesty*, the Religion, Laws and Liberties of the Kingdom, or for the publick good either of Kirk or Kingdom, are false and disloyal, and contrair to the true and genuine meaning of these Acts: And therefore His *Majesty*. with advice foresaid, doth Discharge, and for ever Annull the same, and all Acts and Practices that have been in pursuance thereof.

V.

Act asserting His MAJESTIES *Royal Prerogative in the* Militia, *and in making Peace and War, &c.*

THe Estates of Parliament, considering the great happiness that this Kingdom hath for many ages enjoyed, under the Princely Government of their Royal Kings; who by the special blessing of Almighty GOD, have reigned over them, in so long and an unparallel'd *series* of Royal descents; and the obligation thereby lying upon them, in conscience, honour and gratitude, to own and assert the Royal Prerogatives of the Imperial Crown of this Kingdom, which the Kings *Majesty* holds from GOD Almighty alone. And to vindicat the same from these invasions, which by the malice or specious pretexts of ill affected persons, and the confusions and disorders of the late times, have been made upon it, Do therefore Declare, that the power of Armes and making of Peace and War, or Treaties and Leagues with Forraign Princes or Estates, doth properly reside in the King *Majesty*, His Heirs and Successors; and that it was and is their undoubted Right, and theirs alone, to have the power of raising in Armes, the Subjects of this Kingdom, and of the commanding, ordering and disbanding, or otherwise disposing thereof; and of all Strengths, Forts or Garrisons within the same, as they shall think fit; the Subjects alwayes being free of the Provisions and Maintenance of these Forts and Armies, unless the same be concluded in Parliament or Convention of Estates. Likeas the Kings *Majesty*, with advice and consent foresaid, doth hereby Declare, That it is, and shall be high Treason to the Subjects of this Kingdom, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in Armes, to maintain any Forts, Strengths or Garrisons, to make Peace or War, or to make any Treaties or Leagues with Forraign Princes or Estates, or among themselves, without His *Majesties* special Authority and Approbation first interponed thereto; And doth discharge all His *Majesties* Subjects to offer upon any pretext whatsoever, to attempt the doing of any of these things hereafter, under the said pain of

Treaſon. And in further deteſtation of ſuch unlawful and unwarrantable practices, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth hereby Reſcind and Annul all Acts, Statutes, Ordinances or Deeds, paſt or done in any Parliaments, Conventions, or other Meetings whatſoever, or any otherwiſe, in ſo far as they are, or may be contrair to, or inconſiſtent with, this preſent Act; and Declares the ſame (diſpenſing with the generality, and holding all the particulars as *verbatim* herein inſerted) to be void and of no force nor effect in time coming.

VI.

Act annulling the pretended Convention of Eſtates, kept in the Year, 1643.

Forasmuch as the power of calling of Parliaments, or Conventions of the Eſtates of this Kingdom, hath alwayes been, and is an undoubted priviledge of the Crown, and doth ſoly reſide in the Kings *Majeſty*: And that notwithſtanding thereof (among the many other invaſions, which during theſe late times, have been made upon the Royal Prerogative) a pretended Meeting and Convention of the Eſtates was called and kept at *Edinburgh*, in *June*, one thouſand ſix hundred fourty three, without any warrand from the Kings *Majeſty*: And the Eſtates of Parliament now conveened by His *Majeſties* ſpecial Authority, having taken into their conſideration the indiction, reaſons and grounds of the calling of the ſaid Convention, do find that the ſaid pretended Convention of Eſtates, notwithſtanding of all the ſpecious pretexts made for the ſame, did meet, and conveen, without any lawful Warrand or Authority; And therefore the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Declare the ſame, with all that was done therein, void and null, and Reſcinds and Annulls all Acts or Deeds whatſomever, ratifying and approving the ſame.

VII.

Act concerning the League and Covenant, and diſcharging the renewing thereof without His MAJESTIES *warrand and approbation.*

Forasmuch as the power of Armes, and entring into, and making of Leagues and Bonds, is an undoubted priviledge of the Crown, and a proper part of the Royal Prerogative of the Kings of this Kingdom, and that in recogniſance of His *Majeſties* juſt Right, the Eſtates of Parliament of this His moſt ancient Kingdom of *Scotland*, have declared it high Treaſon to the Subjects thereof, of whatſoever number, leſs or more, upon any pretext whatſoever, to riſe, or continue in Armes, or to enter into Leagues and Bonds, with Forraigners, or among themſelves, without His *Majeſties* ſpecial Warrand and Approbation, had and obtained thereto, and have Reſcinded and Annulled all Acts of Parliament, Conventions of Eſtates, or other Deeds whatſoever, contrary to, or inconſiſtent with the ſame; And whereas during theſe troubles, there have occurred divers things, in the making and purſuance of Leagues and Bonds, which may be occaſion of jealouſie in, and betwixt His *Majeſties* Dominions of *Scotland*, *England* and *Ireland*. Therefore, and for preventing of all ſcruples, miſtakes or jealouſies that may hereafter ariſe upon theſe grounds, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth hereby Declare, that there is no Obligation upon this Kingdom by Covenant, Treaties or otherwiſe, to endeavour by Armes a Reformation of Religion in the Kingdom of *England*, or to meddle with the publick Government and Adminiſtration of that Kingdom. And the Kings *Majeſty* with advice and conſent foreſaid, doth Declare, That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do, or may relate thereto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpoſe by Armes, or any ſeditious way, in any thing concerning the Religion and Government of the Churches of *England* and *Ireland*, or in what may concern the Adminiſtration of His *Majeſties* Government there. And further, His *Majeſty*, with advice and conſent of His Eſtates, doth hereby Diſcharge and Inhibite all His *Majeſties* Subjects within this Kingdom, that none of them preſume upon any pretext of any Authority whatſoever, to require the renewing or ſwearing of the ſaid League and Covenant, or of any other Covenants, or publick Oaths concerning the Government of the Church, or Kingdom, without His *Majeſties* ſpecial Warrand and Approbation; And that none of His *Majeſties* Subjects offer to renew and ſwear the ſame, without His *Majeſties* Warrand, as ſaid is, as they will be anſwerable at their higheſt peril.

VIII.

VIII.

Act againſt Papiſts, Prieſts, and Jeſuits.

OUr Soveraign Lord conſidering, that the publick contempt of, and diſobedience to, lawful Authority, (though covered with the moſt ſpecious pretexts) is alwayes accompanied with great confuſions and provocations, to the diſhonour of GOD, and ruine of the People; And that thereby occaſion is offered to wicked and ill affected perſons, of all ſorts, upon one pretence or other, to ſubvert Religion, and pervert the Duty and Allegiance of the Subjects; Whereof there be too ſad evidence, by the increaſe of Popery, and the number of Jeſuits, Prieſts, and Papiſts; which have of late, and do now abound in this Kingdom, in far greater numbers then ever they did under the Government of His *Majeſties* Royal Father and Grand-Father, of bleſſed memory. And His *Majeſty*, being deſirous to trace theſe His Royal Anceſtors, in a due and vigorous proſecution of theſe many excellent Laws made by them, againſt the Saying of Meſs, and the ſtay and reſſet of Jeſuits, Seminary and Meſs Prieſts, and Trafficking Papiſts, within this Kingdom: Doth therefore, with advice and conſent of His Eſtates of Parliament, command and charge all, and ſundry Jeſuits, Prieſts and Trafficking Papiſts, that none of them preſume hereafter to Say Meſs within this Kingdom; And that within a moneth after the publication hereof, they remove forth of the Kingdom, under the pain of death: And ſicklike, His *Majeſty*, with advice and conſent foreſaid, doth command, charge, and inhibite all His *Majeſties* Subjects, of what quality or degree ſoever, that none of them preſume to hear Meſs, reſſet, ſupply, entertain, furniſh meat or drink, nor keep intelligence or correſpondence with any Prieſts, Jeſuits or Trafficking Papiſts, under the pains contained in the Laws and Acts of Parliament made in that behalf. And to the end that this Act may receive the more exact obedience and proſecution, His *Majeſty*, with advice and conſent foreſaid, doth hereby command all Sheriffs of Shires and their Deputes, all Magiſtrates of Burghs, and other publick Miniſters of the Laws, to make exact enquiry and ſearch in their ſeveral bounds and juriſdictions, and to apprehend all ſuch Jeſuits, Prieſts and Trafficking Papiſts, as they ſhall find within the ſame, after the laſt day of *March* next to come; and to commit them to the next ſure Priſon, there to remain till they receive due puniſhment, according to the Laws: And alſo, that with all poſſible diligence, they ſend in to the Parliament, or in caſe of their not Sitting, to His *Majeſties* Privy-Council, the Liſt of ſuch perſons within their bounds, as are known, or ſuſpected to be Papiſts; that courſe may be taken with them, conform to the Laws of the Kingdom: And hereof, the Sheriffs and Magiſtrates, and their Deputes are to take ſpecial notice, as they will be anſwerable at their higheſt peril: Likeas, His *Majeſty* conſidering how dangerous it is that Children be educat by perſons Popiſhly affected, do therefore, conform to former Acts of Parliament, appoint that Children under Popiſh Parents, Tutors or Curators ſhall be taken from them, and committed to the education of ſome well affected and religious friend, at the ſight and by order of His *Majeſties* Privy Council: And ordains publication hereof to be made at the Mercat Croſs of *Edinburgh*, and other places needful.

IX.

Act approving the Engagement, 1648. *and annulling the pretended Parliaments and Committes kept thereafter.*

FOraſmuch as in the year one thouſand ſix hundred fourty and eight, the Eſtates of Parliament of this Kingdom, and His *Majeſties* good Subjects therein, from the ſenſe of their duty to Almighty GOD and the King's *Majeſty*, did chearfully undertake and concurr in an Engagement, for relief of His late *Majeſty* of glorious memory from His impriſonment, and for His reſtitution to the Royal Government of His Kingdoms. And the Eſtates of Parliament, now conveened by His *Majeſties* ſpecial Authority, taking that Engagement to their conſideration, do find it to have been an Honourable, Juſt, Neceſſary and Seaſonable Diſcharge of that indiſpenſible Duty, whereunto this Kingdom, and the Subjects thereof, are by the Law of GOD, by the Law of Nature and Nations, by the Municipal Laws of the Land, by their Allegiance, and by all the ſtricteſt bonds of Conſcience and Honour, obliged to the moſt Sacred Perſon, and Royal Authority of their King's *Majeſty*. And therefore, Our Soveraign Lord, with advice and conſent of His Eſtates of Parliament, doth Ratifie and Approve that Engagement for His *Majeſties* relief and reſtitution to His Royal Government. And doth declare, that as it was a moſt noble and pious Teſtimony of the Loyalty of His *Majeſties* good Subjects of His ancient Kingdom, and of their affection and zeal to His *Majeſties* Perſon and Government: So His *Majeſty*, for Himſelf and His Succeſſors, doth aſſure, that They will always retain a grateful reſentment thereof; And have appointed theſe preſents to remain upon Record, for the due honour of theſe perſons who did engage therein, and of their poſterity for ever.

And whereas the neceſſity and juſtice of this undertaking, with the intereſt this Kingdom had in His *Majeſties* Perſon, by the honour of His Royal Birth, and By theſe many and ſingular Acts of Grace He had lately conferr'd upon it, might juſtly have claimed a ready concurrence of all the Subjects; Yet there wanted not ſome, and even ſuch, whom not long before, His *Majeſty* had obliged by marks of His Royal favour both of honour and profit, who made it their work to diſappoint

diſapoint and oppoſe the ſame; And for that end, having gathered ſome mutinous Commons and others, who by a few ſeditious Miniſters, had been preached into an open Rebellion, they in the moneth of *September*, one thouſand ſix hundred fourty and eight years, without any lawful Authority, (and not giving the Oath mentioned in the Commiſſion of Parliament: without which, it was expreſly provided, they were not to have acceſſe to, nor place in, the Commitee) did uſurpe to themſelves the name and power of a Commitee of Eſtates; and having by their own Edicts, declared all ſuch perſons as had given teſtimoney of their duty and loyalty to the King, to be uncapable of being Members of Parliament, or of having voice in the Elections to the Parliaments. They then, without any lawful Authority, called a Packt meeting of Parliament, to conſiſt only of perſons of their own ſtamp and faction: who accordingly met in *January*, one thouſand ſix hundred fourty and nine years: and aſſuming to themſelves the Soveraign Authority and Government of the Kingdom, intended to Eſtabliſh and fix the power in their own perſons for ever. For which purpoſe, having publickly declared againſt that neceſſary and juſt Engagement, for His *Majeſties* relief and reſtitution to His Royal Government: Having approven all the oppoſitions and riſings in Armes againſt the ſame, and by Oath ſolemnly engaged themſelves to a conſtant adherence thereunto: Having for their aſſiſtance called in the Uſurper *Cromwel*, and a part of his Army: Having by publick engagement, given up the honour and ſafety of this ancient Kingdom to the *Engliſh*: and declared, that His *Majeſty* ſhould be oblieged to Ratifie that unworthy act, before any Treaty were with Him for His relief: Having given order to their Commiſſioners, to proteſt againſt any agreement betwixt His *Majeſty* and His Subjects in *England*, in the Treaty at the *Iſle* of *Wight*: Having, ſo far as in them lay, weakned and diſſolved the common Allegiance of the Subjects to the King's *Majeſty*, by proclaiming His Right to the Crown, with baſe reſtrictions and limitations, and preſſing the Subjects againſt their conſciences, to ſubſcribe the ſame: Having diſowned His *Majeſties* intereſt in the Quarrel betwixt them and the *Engliſh*, who had invaded this Kingdom, meerly to deſtroy His *Majeſties* Intereſt in it: Having taken the lives of ſome, and forced others of His *Majeſties* good Subjects, of beſt quality, to flee to Forraign parts for their ſafety: Having fined, confined, impriſoned, and ſeized upon the livelihood of many: Having put diſgraceful characters and incapacities upon all who had witneſſed any affection to His *Majeſties* Government: Having unjuſtly pronounced, and with cruelty executed Sentences of Forfeiture againſt the lives and fortunes of ſuch as from conſcience of their duties, did oppoſe them: Having in their publick Meetings, appointed, that the innocent Wives and Children of theſe, who offered to vindicate His *Majeſties* Authority, ſhould be ſeized on, and tranſported to Forraign Countries: Having once and again ſollicite their Brethren in *England*, that ſuch of this Kingdom, as (for venturing their lives for the King) were then priſoners in *England*, ſhould be ſtill kept Priſoners, as Pledges of the Peace: Having thruſt out of the Offices of State, places of Judicatory and publick Truſt, all ſuch as were willing to engage for His *Majeſties* relief and reſtitution to His Government, and put ſuch in their places, as did oppoſe the ſame: Having laid on, and raiſed, great exactions and ſums of money from the people, and employed them for their own uſes; Having ſeized on His *Majeſties* Revenues, and beſtowed them upon themſelves, and ſuch others as were in open Oppoſition and Armes againſt Him: Having alſo ſeized upon the Properties and due Rights of the Subjects, and the Patronages by Law ſecured unto them: And having, by theſe and many ſuch like Acts, endeavoured to perpetuate themſelves in their uſurped Power, they prorogated the meetings of their pretended Parliaments from time to time, ſubſtituting ſome of their Truſtees, for carrying on of their deſigns in the while. And the Eſtates of Parliament, having taken theſe proceedings unto their ſerious conſideration, Do find, that there was no Law, nor lawful Authority for the Meetings of theſe pretended Parliaments and Committes of Eſtates; But that the perſons, meeting therein, did without any lawful warrand, and in contempt of His *Majeſties* Authority, uſurp the power to themſelves.

And therefore, the King's *Majeſty*, with advice and conſent of His Eſtates of Parliament, doth Reſcind and Annul theſe pretended Meetings of Parliament, and Committes above mentioned, and all other Meetings of any pretended Parliaments or Committees flowing from the ſame; and all Acts, Deeds and Treaties, done by them or their warrand: Excepting alwayes all ſuch Acts as were paſt in any Meeting of Parliament, or Committee of Eſtates, authorized by His *Majeſties* preſence, and are not inconſiſtent with this preſent Act. And alſo Declares any Ratification, which thereafter was paſt, of thoſe Meetings and Acts, to have been void from the beginning: Except in ſo far as is expreſt in the Indempnity, Declarations and Proviſions, after-mentioned. Yet, notwithſtanding of all theſe provocations, the King's *Majeſty*, from His innate goodneſs, being more deſirous to reclaim His Subjects to their duty by Acts of Mercy, then to reduce them by their too much deſerved Cenſure, Doth of His meer favour and grace, with advice and conſent foreſaid, Indemnifie all ſuch perſons, who ſat and acted in theſe pretended Parliaments and Committees, or who acted in order thereunto, or by vertue of, and in obedience to, the ſame, To be in all time coming, unqueſtioned in their lives and fortunes, for theſe their actings; Excepting ſuch as ſhall be excepted in a general Act of Indemnity, to be paſt by His *Majeſty* in this Parliament.

And

And forasmuch as the Ordinar Courts of Justice, did sit and act by Warrand of these Meetings, the King's *Majesty*, for the good and ease of the people, doth with advice foresaid, Declare, That none of the Acts, Decreets or Sentences, given by these who sat as Lords of Session, or as inferiour Judges within this Kingdom these years, nor no Execution following thereupon, are for want of lawful Authority to be questioned: Whereanent, His *Majesty*, with advice foresaid, by these presents dispenses. And also, His *Majesty*, considering that by a pretended Act and Commission, from the said pretended Meetings of Parliaments, Augmentations were granted to Ministers, Kirks were divided, new Kirks were erected, and Lands from one Paroch to another, dis-joyned and annexed, and divers other particulars deemed; in relation to the Plantation of Kirks: which Commissions, one or more, though they had no lawful Authority, but in themselves were and are null. Yet, His *Majesty*, being desirous to give all due encouragements to the Ministers of the Gospel, doth, with advice and consent foresaid, Declare, That all Acts, Decreets and Sentences, pronounced and given forth by the saids Commissioners, and all Executions thereupon, are and shall stand valid in time coming, except such as upon the complaint of any party, shall be found to have been unjustly or exorbitantly pronounced and decerned. The examination whereof, is hereby referred by His *Majesty*, with advice and consent foresaid, to the Commission for Plantation of Kirks, to be established by His *Majesty* in this present Parliament: Who may after hearing of parties, and consideration of particulars, may take such course for altering, amending or allowing of what was done by vertue of the saids Commissions in the years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty, as they shall think just; conform to the standing Laws and Acts of Parliament, preceeding the year one thousand six hundred and forty nine; and Ordains process upon supplication to be summarly granted, parties alwayes being cited, and that without any reduction. As also, with power to the saids Commissioners to be appointed upon the dependence of the saids complaints and process, to discharge execution upon the saids Decreets in whole or in part, as they shall find just, ay and while the matter may be determined by them. And forasmuch as by a pretended Commission for the Exchequer, divers Infeftments, Gifts and others, were past in the foresaids years, one thousand six hundred and fourty nine, and one thousand six hundred and fifty; His *Majesty*, with advice foresaid, Declares, That all such Gifts, Infeftments and others, are and shall be valid, excepting alwayes new Gifts and Dispositions of Lands and others, granted and past to His Highness prejudice, and such other Gifts as upon the complaints of parties, shall by His *Majesties* Treasurer and Commissioners of Exchequer, be found to have been unduly granted or past, in prejudice of prior Gifts under His *Majesties* Hand, though not past in Exchequer. And whereas by a pretended Act of the foresaid pretended Parliament, entituled, *Act rescinding the Patronages of Kirks*, all Patronages and Presentations of Kirks, whether belonging to the King or any Laick Patron, Presbyteries or others, were discharged, and all Acts, Gifts and Rights, granted thereanent, Rescinded. And yet nevertheless, it was thereby declared, That the taking away of the Patronages, should not prejudge the Patrons Rights to the Teinds, nor weaken his Infeftment wherein the same is contained. And that the Teinds of the Kirks, whereof the Presentations were established, should belong heretably to the Patrons, and be inserted in their Rights and Infeftments in place of their Patronage, with power to the Patron to dispone upon the saids Teinds, in manner and with the exception contained in the said Act. And notwithstanding that the foresaid Act of that Parliament be declared null; yet nevertheless, His *Majesty*, with advice foresaid, doth by these presents Declare, That it shall be lawful to Laick Patrons or Heretors, to agree with the beneficed persons for Tacks or Rights of Teinds, belonging to the said beneficed person, according to the Laws of the Kingdom; with this provision that the saids Tacks, shall be no wayes prejudicial to the Stipend and Maintenance of the Ministers and persons to be presented, according as the same hath been already modified, or shall be modified in time coming; and that notwithstanding of any Acts or Statutes made in the contrair. All which Acts, his *Majesty*, with consent foresaid, by these presents Discharges; And in like maner, His *Majesty*, with advice foresaid, Declares, That all such persons who are presently in possession of Kirks, pertaining to the saids Laick Patrons, the saids persons and Ministers shall, during their service, claime no right nor possession to the Teinds of their saids Kirks and Parochins, other then they had formerly before the making of this Act; they having alwayes a sufficient maintenance allowed and granted to them according to the Laws of the Kingdom.

X.

Act condemning the Transactions concerning the King Majesty, *whilst He was at* Newcastle, *in the years, 1646. and 1647.*

THe Estates of Parliament, considering the many sad and dangerous consequences that do accompany the neglect and contempt of lawful Authority; and that among the other Judgements, wherewith it pleaseth Almighty GOD to visit such who resist the Powers, and oppose the Commands of those intrusted by Him, as his *Vicegerents*, for the Government of His People, they are oftimes left to their own counsels, to do that which highly provokes GOD to wrath; renders themselves justly odious to the world, and hateful to their Posterity. Whereof there is too doolful an experiment in an Act of the printed Records of Parliament, of the sixteenth of *January*, one thousand six hundred and

and

and fourty seven, entituled, *Declaration of the Kingdom of Scotland, concerning the King's Majesties Person.* Which being now taken into consideration, The Estates of Parliament do find and declare, That it was carried on, and concluded by a prevalent party, against the judgement of many of His *Majesties* Loyal Subjects; And that it is a most sinful, disloyal, and unworthy Act, contrary to the will and commandment of GOD; contrary to all Laws, Divine and Humane; contrary to the Duty and Allegiance of Subjects; contrary to all the rules of Justice, Honour, Gratitude and Humanity; and highly reflecting on the honour of this ancient Kingdom, and the reputation of His *Majesties* good Subjects therein. And therefore, the King's *Majesty*, with advice and consent of His Estates of Parliament, doth hereby Annull and Condemn the same for ever; And Ordains it to be expunged out of all Records, and never to be remembred again, but with due abhorrence and detestation.

And the Estates of Parliament, conceiving themselves obliged in Conscience, to make the truth of this business, and the manner of the carrying of it, known to the world, for the just vindication of this Kingdom, and His *Majesties* dutiful and loyal Subjects, who otherwise may seem to be comprehended and concluded in it. They do therefore, from their certain knowledge, Declare, That in that Parliament (from which many of His *Majesties* good Subjects were debarred, for their affection and adherence to His *Majesties* Service and Commands) there was a considerable number of worthy Patriots, of all Estates, who, at the passing of that base Act, gave a publick testimony of their dis-assent from it, which is here Recorded for their due honour; and for which, their memory will in all ages receive a famous celebration. And that there were divers others, who, upon the pretence of Reformation, and assurances of the Safety of His *Majesties* Person, being enveigled, were in the simplicity of their hearts drawn along for the time: But shortly thereafter, being convinced of their error, did imbrace the first opportunity to expiate the same, by freely hazarding their lives and fortunes in the year, one thousand six hundred and fourty eight, to redeem His *Majesty* from those restraints and dangers, which by that impious Act he was driven into. And therefore, His Majesty, with advice and consent foresaid, doth Declare, That the Act of Parliament foresaid, of the fifteenth of *January*, one thousand six hundred and fourty seven, is not to be look'd upon as the Deed of the Kingdom, but as the Act of a few disloyal and seditious persons, who, having upon specious, but false pretences, screwed themselves into the Government, did by force of Arms, keep the same; and from the conscience of their own guiltiness, being afraid of the justice of His *Majesties* Government, did violently carry on that Act. And in further owning thereof, did, in the said year, one thousand six hundred and fourty eight, rise in Arms, in opposition to those who endeavoured to restore His Majesty to His Government, and to relieve Him from the imprisonment and hazard He was then put under, as the natural effects of that unworthy transaction, so justly hereby condemned.

And for the further clearing of the sense of this Kingdom, as to that base and treacherous Act, and the aspersions which have been thereupon raised, as if there had been previous Transactions and Bargains of Money for carrying on of the same, The Estates of Parliament Declare, They do abominate the very thought of any such thing; and that if at any time hereafter, there shall be discovery of any such wickedness, (which they are confident GOD Almighty will in His justice bring to light, (if it be true) and wherein they earnestly intreat the concurrence of all His *Majesties* dutiful and loyal Subjects) The persons guilty thereof, shall without mercy be pursued as the vildest of Traitours, and shall never capable of the benefit of any Act of Pardon, Oblivion, or Indemnity for ever.

XI.

Act for taking the Oath of Allegiance, and asserting the Royal Prerogative.

OUr Soveraign Lord, being truly sensible of the many sufferings and sad confusions, that His dutiful and loyal Subjects have been brought under, during these troubles; and desirous, that His Royal Government, in it's due Administration, may be refreshing and comfortable unto them; And conceiving it necessar for that end, and for the honour and advancement of His own Service, the welfare and happiness of His Subjects, and the peace and quiet of this Kingdom, that the places of publick Trust (which be the Channels and Conduits by which His *Majesties* Government is conveyed unto His people) be supplied and exerced by persons of known integrity, abilities, and loyalty. Do therefore declare, That it is, and will be, His *Majesties* Royal care, that those whom (according to the undoubted Right of the Crown) He hath, or shall think fit to call to His Councils, or any publick imployments, shall be so qualified; And that for the full satisfaction of all His good Subjects, and for removing any scruples or jealousies, can arise upon this account, they shall before their admittance to, or exercise of, any such Trust, give such publick testimony of their Duty and Loyalty, as may evidence to the world, they are such as the Kingdom and all honest men and good Subjects, may justly confide in. And therefore the King's *Majesty*, with advice and consent of His Estates of Parliament, Doth Statute and Ordain, that all and whatsoever person, or persons, who are, or shall be, nominat by His *Majesty*, to be His Officers of State, of His Privy Council, Session, or Exchequer,

Justice-

Juſtice General, Admiral, Sheriffs, Commiſſars, and their Deputes, and Clerks, and all Magiſtrates and Council of Royal Burghs, at their Admiſſion to their ſeveral Offices, and before they offer to exerce the ſame, ſhall take and ſwear the Oath of Alleagiance, hereunto ſubjoyned. And alſo, that all other perſons who ſhall be required by His *Majeſties* Privy-Council, or any having Authority from them, ſhall be obliedged to take and ſwear the ſame.

And ſince all the troubles and miſeries that have overſpread this Kingdom, and almoſt deſtroyed all religious and civil, all publick and private intereſts, theſe twenty years by-gone and upwards, have ariſen and ſprung from theſe invaſions, that have been made upon, and contempts done to the Royal Authority and Prerogative of the Crown, His *Majeſty* conceives Himſelf obliedged, both for His own Royal intereſt, and for the publick intereſt and peace of His people, to be careful to prevent the like for the future. And therefore, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that all peſons, who are, or ſhall be called to any publick Truſt, as ſaid is, ſhall, beſide the taking of the Oath of Alleagiance, be obliedged before they enter to their Offices and Truſts, to aſſert under their hand writing, His *Majeſties* Royal Prerogative, as is expreſt in the Acts paſt in this preſent Parliament, and in the manner hereunto ſubjoyned: Certifying all ſuch, as, being required, ſhall refuſe or delay to take the Oath of Alleagiance, they ſhall not only thereby render themſelves uncapable of any publick Truſt, but be lookt upon as perſons diſ-affected to His *Majeſties* Authority and Government; and ſuch as ſhall refuſe, or delay to aſſert His *Majeſties* Prerogative, in manner under-written, ſhall from thenceforth be uncapable of any publick Truſt within this Kingdom.

Follows the Oath of Alleagiance.

I, *For teſtification of my faithful obedience to my moſt gracious and redoubted Soveraign,* CHARLES, *King of* Great Britain, France *and* Ireland, Defender of the Faith, &c. *Affirm, teſtifie and declare, by this my ſolemn Oath, That I acknowledge my ſaid Soveraign only ſupream Governour of this Kingdom, over all Perſons and in all Cauſes; and that no Forraign Prince, Power, State or perſon Civil or Eccleſiaſtick, hath any Juriſdiction, Power or Superiority over the ſame: And therefore I do utterly renounce and forſake all Forraign Powers, Juriſdictions and Authorities; and ſhall at my utmoſt power, defend, aſſiſt and maintain His* Majeſties *Juriſdiction foreſaid, againſt all deadly, and ſhall never decline His* Majeſties *Power and Juriſdiction, as I ſhall anſwer to GOD.*

Follows the Acknowledgement of His MAJESTIES *Prerogative.*

FOraſmuch as the Eſtates of Parliament of this Kingdom, by their ſeveral Acts of the eleventh and twenty fifth of *January* laſt, have, from the ſenſe of their humble duty, and in recocogniſance of His *Majeſties* juſt Right, Declared, That it is an inherent Priviledge of the Crown, and an undoubted part of the Royal Prerogative of the Kings of this Kingdom, to have the ſole choice and appointment of the Officers of Eſtate, Privy-Councellors, and Lords of Seſſion; That the power of calling, holding and diſſolving of Parliaments, and all Conventions, and Meetings of the Eſtates, doth ſoly reſide in the Kings *Majeſty*, His Heirs and Succeſſors: and that as no Parliament can be lawfully kept, without the ſpecial warrand and preſence of the Kings *Majeſty*, or His Commiſſioner; So, no Acts, nor Statutes, to be paſt in any Parliament, can be binding on the people, or have the Authority and Force of Laws, without the ſpecial approbation of His *Majeſty*, or His Commiſſioner, interponed thereto at the making thereof; That the power of Armes, making of Peace and War, and making of Treaties and Leagues with Eorreign Princes or States, or at home by the Subjects among themſelves, doth properly reſide in the Kings *Majeſty*, His Heirs and Succeſſors, and is their undoubted Right, and their's alone; And that it is high Treaſon in the Subjects of this Kingdom, or any number of them, upon whatſoever ground, to riſe or continue in Armes, to maintain any Forts, Gariſons or Strengths, to make Peace or War, or to make any Treaties or Leagues with Forreigners, or among themſelves, without His *Majeſties* Authority firſt interponed thereto; That it is unlawfull to the Subjects, of whatſoever quality or function, to convocate, conveen or aſſemble themſelves, for holding of Councils, Conventions and Aſſemblies, to Treat, Conſult and Determin in any matters of State, Civil or Eccleſiaſtick (except in the ordinary judgements) or to make Leagues, or Bonds, upon whatſoever collour or pretence, without His *Majeſties* ſpecial conſent and approbation had thereunto; That the League and Covenant, and all Treaties following thereupon, and Acts or Deeds that do or may relate thereunto, are not obligatory, nor do infer any obligation upon this Kingdom, or the Subjects thereof, to meddle or interpoſe by Armes, or any ſeditious way, in any thing concerning the Religion and Goverment of the Churches in *England* and *Ireland*, or in what may concern the Adminiſtration of His *Majeſties* Government there: and that none of His

Majesties Subjects ſhould preſume, upon any pretext of any Authority whatſoever, to require the renewing or ſwearing of the ſaid League and Covenant, or of any other Covenants or publick Oaths concerning the Government of the Church or Kingdom; And that none offer to renew or ſwear the ſame, without His *Majesties* ſpecial warrand and approbation, *&c. I do, conform to the Acts of Parliament aforſaid, Declare, That I do with all humble duty acknowledge His* Majeſties *Royal Prerogative, Right and Power in all the particulars, and in the manner aforementioned; and that I do heartily give my conſent thereto, by theſe preſents: Subſcribed by me, at*

XII.

Act concerning the Judicial proceedings in the time of the late Uſurpers.

FOraſmuch as ſince the year of GOD, one thouſand ſix hundred and fifty one, the late Uſurpers did take upon them to eſtabliſh Judicatories, ſuperior and inferior, within this Nation; as Judges for Adminiſtration of Juſtice, in place of the Judicatory of the Seſſion formerly eſtabliſhed by Law, Commiſſioners for the Admirality, Sheriffs of Shires, Commiſſars, Juſtices of Peace, and other inferiour Courts. In which Courts the people did in name of the Uſurpers, or under the notion of the Keepers of the Liberties, proſecute and defend their ſeveral Cauſes and Intereſts, theſe many years paſt. And his *Majeſty* conſidering that the matters agitate, purſued and concluded, were for the moſt part, things of courſe, belonging to the ordinary Judicatories formerly eſtabliſhed in this Kingdom; and being unwilling that the people ſhould be put to any further trouble, where Matters have been acted, and Caſes determined, according to Law: Therefore, His *Majeſty*, with conſent of the Eſtates of Parliament, Declares, That all and whatſoever Acts, Interloquutors, Decreets and Sentences, made, pronounced and given forth by the ſaids Courts, ſuperior and inferior, with all execution thereupon, and all execution by Horning, Inhibition, Caption, Compriſing, Poynding and others, to have been, and to be, valid, and ſtand in full force, notwithſtanding of the unlawfulneſs of the Authority, by which theſe Courts were held, and the execution uſed: But becauſe the Judges or Commiſſioners for Adminiſtration of Juſtice, did ſometimes proceed in an arbitrary way, contrair to Law and Juſtice; and at other times, many of them being ſtrangers and ignorant of the Law, did proceed unwarrantably and unjuſtly betwixt parties. Therefore, His *Majeſty*, with coient foreſaid, doth Declare, That whatſoever perſon or perſons, hath any juſt reaſon to quarrel their Acts, Interloquutors, Decreets, and Sentences, they are hereby warranded and allowed to do the ſame, without any Reduction or Suſpenſion, within the ſpace of one year, next after the down-ſitting of the Seſſion: And if parties complainers be Minors, within the ſpace of year and day, next after they ſhall attain the age of twenty one years compleat, Parties alwayes being lawfully cited thereto. And if any perſon or perſons, be charged under the pain of Horning, Suſpenſion ſhall be granted to them upon Caution, or if they be not able to find Caution, *ſuper Cautione Juratoria*. And if it ſhall be found, that the complainer doth, without any juſt ground, unneceſſarly vex the party complained upon, in that caſe, the Lords of the Seſſion are hereby authorized, to determine the parties damage and charges to be paid by the unjuſt complainer. Likeas, all Decreets before the ſaids pretended Commiſſioners for adminiſtration of Juſtice. whether given in abſence, or parties compearand, are hereby allowed to be brought in queſtion, reviſed aud recognoſced, in manner foreſaid. And whereas there be many Proceſſes as yet depending undecided, upon Summons and Letters raiſed in the ſaids Uſurpers names, the ſame Proceſſes ſhall be all wakned in His *Majeſties* Name, and be put to a final cloſe by the Lords of Seſſion, as if they had been intended from the beginning, in His *Majeſties* Name and Authority. And whereas, any Acts or Decreets have been made or given forth in the Admiral Courts, or any other inferiour Courts, the ſame may be brought in queſtion before the Lords of Seſſion, in the ſame form and manner as was formerly eſtabliſhed by Law and Practick of this Kingdom.

And foraſmuch as the ſaid Uſurpers, did from time to time, nominate and appoint Commiſſioners of Exchequer, having the ſame power to paſs all ſorts of Writs, Signators and others, and to diſcuſſe Proceſſes and Suſpenſions, in the ſame manner as His *Majeſties* Treaſurer and Commiſſioners, appointed by His *Majeſty*, had power to do; Therefore, His *Majeſty*, with advice and conſent foreſaid, for the good and eaſe of His people (under the proviſions under-written) doth Declare, all and whatſoever Writs, Gifts, Signators of whatſoever nature and quality they be of, paſt and exped the Privy great and quarter Seals *reſpective*, or paſt according to pretended Orders for the time, when there were no Seals, to be of full force and effect; Providing alwayes, that where any Signators were paſt in Exchequer under the Uſurpers, and the Compoſition paid, aud yet not paſt the Seals, the ſame ſhall be preſented and paſt in Exchequer, *de novo*, if there be reaſon therefore, without any Compoſition; and where Reſignations only have been made upon Procuratories in the Uſurpers time, Signators may without new reſignation paſs thereupon. It is alſo provided, that this Act be no wiſe extended to new Gifts of Lands, Teinds and othets, paſt to the prejudice of His *Majeſty*, nor to Gifts of Baſtardie, or *ultimus Hæres*, unleſs the ſame be of new ratified and approven by His *Majeſties*

Treaſurer,

Treaſure and Commiſſioners of Exchequer, nor to any other Gifts, Confirmations, Charters upon Reſignation, where the ſaids Gifts, Confirmations and Charters were made and granted, in prejudice of any perſon or perſons who had former rights granted unto them by His *Majeſty*, or His Royal Father of bleſſed memory, under their Seals, or Paſt their Royal Hands. And generally providing, that all and whatſoever Gifts, Grants, Commiſſions, Charters and other Writs whatſoever, paſt in Exchequer, and through the Seals in the Uſurpers time, and all and whatſoever Acts and Sentences pronounced and given forth by them, ſhall and may, be called in queſtion at the Inſtance of any of the people, who may pretend to have been unjuſtly wronged and prejudged thereby: And that upon complaints to be given into His *Majeſties* Treaſurer and Commiſſioners of Exchequer, wherein they ſhall have power to determine, as they ſhall think juſt and reaſonable.

XIII.

Act and offer of Fourty thouſand pounds Sterling, *to be paid to the Kings Majeſty yearly during His lifetime by this Kingdom*

THe Eſtates of Parliament, taking to their conſideration, the great happineſſe this Kingdom hath in former time injoyed, under the Government of His *Majeſties* Royal Anceſtors, with the miſeries and bondage, which by the neglect and contempt of the Authority, and commands of His Royal Father of bleſſed memory, it hath groaned under, during theſe twenty years troubles. And that the Kings *Majeſty*, hath been graciouſly pleaſed (notwithſtanding of all the provocations given to himſelf and His Royal Father) to evidence His affection and favour to this His ancient Kingdom, comforting and reviving it, by the Rayes of His Royal Government and Authority, under the protection of which, the juſt Liberties, Freedom and Intereſt of this Kingdom, and the Subjects thereof, are, and can only be, ſecured; Do with all humble duty, thankfulneſſe and ſincerity, acknowledge His *Majeſties* unparallel'd Grace and Goodneſſe. And that as their happineſſe doth depend upon the Safety of His *Majeſties* Perſon, and the eſtabliſhment and exerciſe of His Royal Authority and Greatneſſe: So this Kingdom will be ready at all occaſions, to offer their Lives and Fortunes againſt all deadly, in every cauſe, wherein His *Majeſties* Perſon, Authority, Prerogative, or Government may be concerned. And ſeeing, for the due eſtabliſhment of His *Majeſties* Authority, and ſettling and ſecuring the peace of this Kingdom, His *Majeſty* may have occaſion, for ſome time, to raiſe and keep ſome Forces within the Kingdom; and that the late troubles will at preſent, neceſſitate a greater expence, for ſupport of the Royal Government, then formerly, and that His *Majeſty* hath ſignified His reſolution, not to raiſe any more Seſs; Therefore, and from the due ſenſe of their duty and obligations, the Eſtates of Parliament, Do in name of the Kingdom, make humble and chearfull offer to his *Majeſty*, of a yearly Annuity, of Fourty thouſand pounds *Sterling*, during all the dayes of His *Majeſties* lifetime, which they pray may be long and proſperous, that this Kingdom may have further occaſion, to let the world know, they do above all things, hate the very thoughts of diſloyalty, and that no people under Heaven, can expreſſe more duty and obedience to the Authority and Commands of their Soveraign, then they are, and will be ready to do.

XIV.

Act for raiſing the Annuity of Fourty thouſand pounds Sterling, *granted to His* Majeſty.

THe Eſtates of Parliament, in purſuance of their Act, of the date the twenty two day of this inſtant; whereby they have made offer to His *Majeſty* of the ſum of Fourty thouſand pounds *Sterling* yearly during all the dayes of His *Majeſties* lifetime, towards the entertainment of any ſuch Forces as His *Majeſty* ſhall think fit to raiſe and keep up within this Kingdom; or otherwayes towards the defraying of the neceſſary charge of His Government, according to His Royal pleaſure; Appoints and Ordains the ſaid ſum of Fourty thouſand pounds *Sterling*, being Four hundred fourſcore thouſand pounds *Scots* money, to be raiſed, levied, collected and paid, in manner under-written; *viz.* Ninty ſix thouſand pounds *Scots* thereof to be raiſed yearly off the Inland Salt and Forraign Commodities aftermentioned; To wit, threeſcore twelve pounds *Scots* upon ilk Tun of Spaniſh Wine, Cannary, Malveſie, and all other Wines of the like kind; Fourty eight pounds money foreſaid, upon ilk Tun of French Wine, and twelve pennies money foreſaid, upon ilk pint of Vineger; ſix pounds upon ilk Barrel of Imported Soap: fourty ſhillings upon ilk Boll of Forraign Bey-ſalt, and Salt upon Salt,

Linlithgow Measure; twenty shillings upon ilk Boll of imported White-salt, and fifteen shillings upon ilk Boll of In-land Salt, measure foresaid: But prejudice nevertheless to the present Tacksmen of the Forrein and In-land Salt, during the time set to them by the Commissioners of Excise, to exact the Rates therein mentioned: twelve pennies money foresaid, upon ilk pound of Tobacco, imported by the Natives of this Kingdom, from the Tobacco Plantations, and three shillings upon ilk pound imported thence by Forreigners. *Item* three shillings upon each pound of Tobacco, imported by the Natives of this Kingdom, from any other place then the foresaids Plantations, and six shillings upon ilk pound imported by Forreigners; twelve shillings upon ilk Ell of Cloath imported into this Kingdom above six pounds the Ell, and six shillings upon ilk Ell of imported Cloath at or below six pounds the Ell: six shillings the Ell upon all sort of imported Searges; three shillings upon ilk Ell of Castilians, or other imported Worstead Stuffs whatsoever; three shillings upon ilk Ell of all sorts of imported Hair Stuffs whatsoever; three pound twelve shillings upon the Piece of ilk Baver-Hat, one pound six shillings upon ilk Demy-baver and Vigon, and twelve shillings upon the Piece of all other sorts of Hats imported into this Kingdom; one pound sixteen shillings upon the dozen of all imported Worstead Stockins; twelve shillings upon the pair of double Stag-gloves; six shillings upon the pair of single Stags and Cordivans; three shillings upon ilk pair of Kids, Sheep and Lamb Leather, and all other sort of Gloves; one pound sixteen shillings upon ilk Trunk of the largest size; one pound four shillings upon ilk Trunk of middling size; twelve shillings money foresaid upon ilk Leather Male of the largest size; six shillings upon ilk Leather Male of middling size, imported into this Kingdom, and one shilling, all *Scots* money foresaid, upon the pound value of all other Forreign Commodities (except the particulars after excepted) to be paid by the Retailer: that is to say, The first Buyer of the saids Commodities from the Importer or Salt-maker of Inland Salt, or by the saids Importer or Salt-makers, for what they shall either make use of themselves, or sell out in Pracels. *Item* twenty shillings upon ilk Horse; eighteen shillings upon ilk Cow, and two shillings money foresaid upon ilk Sheep imported into this Kingdom, to be paid by the Importer thereof. The particular ordering and regulating of the which Excise of the Commodities above-written, is hereby remitted to the Commissioners of Excise, who are to put the same in Farm or Collection to the best avail

Provided alwayes, likeas it is hereby expresly provided, that the Forreign Commodities aftermentioned; *viz.* All Salt imployed upon Barrell'd fish, whether transported out of this Kingdom or made use of within the same; All Pitch, Tar, Cordage, Cork, Nets, Iron, Copper, Brass, Tin unmade, Pot-ashes, Oyl, and all other ingredients for Soap; all Flax, Hemp and Hops, untwined Silk; all Materials for dying; all Deals, Trees, Stings for Coupers, Knapl, Wainscot, Planks, and Oak-wood whatsoever for shipping; Barrelstaffs or Materials whatsoever for fishing; all Suggars, brought from the Plantations in *Scots*-bottomes; all unfined Suggar, brought from any place: As also, all Materials for Manufacturies, as *Spanish* and *Sigovia* Wool and others, are and shall be free of any Excise imposed by vertue of this present Act.

And the remainder of the foresaid four hundred fourscore thousand pounds *Scots* money, being three hundred eighty four thousand pounds, to be raised out of the Bear, Ale, Aquavitæ and strongwaters, at the rate of two merks *Scots* upon ilk Boll of Malt, brewed and sold within this Kingdom; three shillings money foresaid upon ilk pint of Aquavitæ or Strongwaters not made of Malt, brewed and sold within this Kingdom; six shillings upon ilk pint of Forreign Aquavitæ or strongwaters, and twelve shillings upon ilk Barrel of imported Bear: And what this imposition shall be short of the *quota* of Excise, imposed upon the several Shires and Burghs by the List under-written, the same to be supplied by the saids Shires and Burghs, in lieu of the Malt brewed in their own houses, in manner after-mentioned. Likeas it is hereby declared, that the said several Shires and Burghs shall be, and are by these presents lyable in the payment of the respective Monethly proportions underwritten, *viz.*

The Sheriffdom of *Edinburgh* principal (the Town of *Edinburgh* and pertinents excepted) in the sum of two thousand six hundred threescore four pounds, *Scots* money foresaid, monethly.

The Town of *Edinburgh*, comprehending *Cannongate*, *South* and *North-Leith*, with the whole pendicles and pertinents, in the sum of three thousand seven hundred thirty two pounds.

The Sheriffdom of *Haddingtoun*, and Burghs within the same, in the sum of one thousand six hundred fourscore fifteen pounds.

The Sheriffdom of *Berwick*, comprehending the Bailery of *Lauderdale*, and Burghs within the same, in the sum of six hundred ten pounds sixteen shillings.

The Sheriffdom of *Roxburgh* and Burghs within the same, in the sum of seven hundred fourscore pounds sixteen shillings.

The Sheriffdom of *Selkirk* and Burghs within the same, in the sum of one hundred fifty three pounds ten shillings.

The Sheriffdom of *Peibles* and Burghs within the same, in the sum of one hundred thirty seven pounds ten shillings.

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The Sheriffdom of *Lanerick* and Burghs within the ſame, (*Glaſgow* excepted) in the ſum of nine hundred threeſcore eight pounds eight ſhillings.
The Town of *Glaſgow*, in the ſum of one thouſand ſeven hundred fourty four pounds four ſhillings.
The Sheriffdom of *Dumfrieze* and Burghs within the ſame, in the ſum of five hundred threeſcore ſixteen pounds.
The Sheriffdom of *Wigtoun* and Burghs within the ſame, in the ſum of two hundred four pounds twelve ſhillings.
The *Stewartry* of *Kirkcudburgh* and Burghs within the ſame, in the ſum of three hundred fourty eight pounds.
The Sheriffdom of *Air* and Burghs within the ſame, in the ſum of one thouſand ſix hundred threeſcore fifteen pounds ſixteen ſhillings.
The Sheriffdom of *Dunbartoun* and Burghs within the ſame, in the ſum of one hundred fourſcore fourteen pounds.
The Sheriffdom of *Bute* and Burghs within the ſame, in the ſum of fifty ſeven pounds.
The Sheriffdom of *Renfrew* and Burghs within the ſame, in the ſum of four hundred fifty ſeven pounds four ſhillings.
The Sheriffdom of *Stirling* and Burghs within the ſame, in the ſum of nine hundred twenty pounds eight ſhillings.
The Sheriffdom of *Linlithgow* and Burghs within the ſame, in the ſum of ſeven hundred fourſcore nineteen pounds four ſhillings.
The Sheriffdom of *Pearth* and Burghs within the ſame, in the ſum of two thouſand three hundred threeſcore fourteen pounds ſixteen ſhillings.
The Sheriffdom of *Kincairden* and Burghs within the ſame, in the ſum of three hundred threeſcore three pounds twelve ſhillings.
The Sheriffdom of *Aberdeen* and Burghs within the ſame, in the ſum of two thouſand five hundred and eighteen pounds nineteen ſhillings.
The Sheriffdom of *Bamff* and Burghs within the ſame, in the ſum of three hundred fourſcore ſeven pounds three ſhillings.
The Sheriffdom of *Innerneſs* and Burghs within the ſame, in the ſum of ſix hundred fourſcore fourteen pounds eight ſhillings.
The Sheriffdom of *Elgin* and *Nairn* and Burghs within the ſame, including that part of the Paroch of *Ferin-toſh*, which pertains to the Sheriffdom of *Nairn*, in the ſum of five hundred thirty ſix pounds four ſhillings,
The Sheriffdom of *Cromarty* and Burghs within the ſame, in the ſum of thirty pounds.
The Sheriffdom of *Argyle* and Burghs within the ſame, in the ſum of one hundred fourſcore thirteen pounds ſixteen ſhillings.
The Sheriffdoms of *Fife* and *Kinroſs* and Burghs within the ſame, in the ſum of four thouſand fourſcore eight pounds eight ſhillings.
The Sheriffdom of *Forfar* and Burghs within the ſame, except as is after excepted, in the ſum of one thouſand fourſcore four pounds four ſhillings.
The Town and Paroch of *Dundee*, with the Miln and Miln-lands thereof, in one thouſand one hundred threeſcore two pounds four ſhillings.
The Sheriffdom of *Sutherland* and Burghs within the ſame, in the ſum of threeſcore twelve pounds twelve ſhillings.
The Sheriffdom of *Kaithneſs* and Burghs within the ſame, in the ſum of one hundred thirty three pounds four ſhillings,
The Sheriffdoms of *Orknay* and *Zetland* and Burghs within the ſame, in the ſum of one hundred fourſcore thirteen pounds ſixteen ſhillings.
The Sheriffdom of *Clackmannan* and Burghs within the ſame, in the ſum of two hundred fourty two pounds two ſhillings.
The Sheriffdom of *Roſs* and Burghs within the ſame, in the ſum of two hundred and four pounds.
And if the Exciſe impoſed upon the Inland Salt and Forreign Commodities, ſhall exceed the foreſaid ſum of ninety ſix thouſand pounds, appointed by this Act to be raiſed off the ſame, then the *ſuperplus* to be imployed and made uſe of, by ſuch as ſhall be intruſted by His *Majeſty* with that affair, for the relief of ſuch Shires and Burghs, as they ſhall find to be overburdened, or diſproportionat by the foreſaid Liſt. And for the better and more ſpeedy inbringing and payment of the ſaid three hundred and eighty four thouſand pounds, the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, nominates, appoints, and ordains the perſons underwritten, to be Commiſſioners within the reſpective Shires and Burghs for regulating, ordering and uplifting of the ſaid Exciſe; *viz.*

Edinburgh.

For the Sheriffdom of *Edinburgh* principal, the Town of *Edinburgh* and pertinents excepted, Lord *Ramſay*, *Walter* Lord *Torphichen*, *James* Lord *Forreſter*, Sir *James Fouls* of *Collingtoun*, the Lairds of *Haltoun* elder and younger, Sir *John Wauchop* of *Nidrie*, Sir *Alexander Dalmahoy* of that ilk, Sir *John Nicolſon* of *Poltoun*, Sir *James Dundas* of *Arniſtoun*, Sir *John Couper* of *Goger*, *Adam Cuninghame* of *Woodhall*, *George Fouls* of *Ravelſton*, Sir *John Fouls* his ſon, Mr. *John Young* of *Leny*, Mr. *Robert Preſtoun* of *Preſtoun*, *Patrick Hamiltoun* of *Preſtoun*, Sir *William Murray* Maſter of work, Mr. *Lawrence Scot* of *Bavilla*, *James Boyd* of *Temple*, Sir *Robert Murray* of *Cameron*, Mr. *Alexander Fouls* of *Ratho*, Sir *John Smith* of *Grothil*, *Edward Edgar* of *Peper-milne*, *John Bigger* of *Wolmet*, *Doby* of *Stainie-hill*, Mr. *William Little* of *Over Libertoun*, Sir *John Gibſon* of *Adeſtoun*, *Mirk Kerſe* younger of *Cockpen*, Mr. *Robert Dalgleiſh* of *Louriſtoun*, Sir *Thomas Thomſon* of *Dudiſtoun*, Sir *William Murray* of *Newtoun*, *Henry Elphingſtoun* of *Calderhall*, *Ramſay* of *Whythill*, *Thomas Craig* of *Rickertoun*, *William Murray* of *Long-harmiſtoun*, *Alexander Calderwood* in *Dalkeith*, the eldeſt Baily of *Muſſelburgh* for the time being.

For the Town of *Edinburgh*, the Magiſtrates and Council for the time being.

Haddingtoun.

For the Sheriffdom of *Haddingtoun* and Burghs within the ſame, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *John* Earl of *Tweddal*, *Alexander* Viſcount of *Kingſtoun*, *John* Lord *Belhaven*, Sir *Robert Dowglas* of *Blaikerſtoun*, *Hepburn* of *Wauchtoun*, *Ruthven* of *Dunglaſs*, Sir *Peter Wedderburne* of *Goſſurd*, *Francis Kinloch* of *Gilmertoun*, Mr. *Alexander Hay* of *Baro*, Mr. *John Hay* of *Aberlady*, Mr. *Cornelius Inglis* of *Eaſt-barnes*, *James Lawder* Baily in *Dunbar*, *William Seatoun* Provoſt of *Haddingtoun*, Sir *James Hay* of *Lindplump*, Sir *Robert Hepburn* of *Keith*, *George Cockburn* Tutor of *Ormeſtoun*, Sir *Thomas Hamiltoun* of *Preſtoun*, Sir *Alexander Moriſon* of *Preſton-grange*, *John Seatoun* of *Saintgermains*, Sir *James Durham* of *Luffneſs*, *George Hoom* of *Foord*, *Leadingtoun* of *Saltcoats*, *Hepburn* of *Smeitoun*, *Baily* of *North-Berwick*, *Alexander Cockburn*.

Linlithgow.

For the Sheriffdom of *Linlithgow* and Burghs within the ſame, *William* Duke of *Hamiltoun*, *George* Earl of *Linlithgow*, *Walter* Lord *Torphichan*, Sir *Archibald Stirling* of *Carder*, *Thomas Drummond* of *Rickertoun*, Sir *James Stewart* of *Kirkhill*, Mr. *Archibald Campbel* of *Kinpount*, Mr. *John Fairholm* of *Craigiehall*, *William Sharp* of *Houſtoun*, *Robert Hamiltoun* of *Dechmond*, Sir *Robert Drummond* of *Meidhop*, *George Drummond* of *Carloury*, *James Dundas* of *Mortoun*, Mr. *John Stewart* of *Ketleſtoun*, Mr. *Thomas Hamiltoun* of *Pardivie*, Mr. *John Hay* of *Woodcockdeal*, Mr. *Andrew Keir* in *Burrowſtonneſs*, Mr. *James Hamiltoun* of *Weſtport*, *Thomas Hamiltoun* of *Bathgate*, *Patrick Murray* of *Levingſtoun*, Mr. *William Sandilands* of *Hilderſtonn*, *Alexander Levingſtoun* of *Craigingall*, ſuch of the Magiſtrates of *Linlithgow* for the time being as are not Brewers, *Archibald Wilſon* in *Queensferry*.

Pearth.

For the Sheriffdom of *Pearth* and Burghs within the ſame, *James* Marqueſs of *Montroſe*, *John* Earl of *Athol*, *James* Earl of *Tulibardin*, *Patrick* Earl of *Kinghorn*, *David* Viſcount of *Stormont*, *James* Lord *Drummond*, *James* Lord *Cowper*, *David* Lord *Lour*, *David* Lord *Madertie*, *Thomas* Lord *Ruthven*, *James* Lord *Rollo*, *Patrick* Maſter of *Gray*, *Mungo Murray* of *Gairth*, Sir *John Drummond* of *Burn-bank*, Sir *John Moncrief* of that ilk, *John Campbel* of *Glenurquhay*, Sir *John Chiſholm* of *Cromlicks*, Sir *James Drummond* of *Machany*, Sir *Thoms Stewart* of *Gairntullie*, Sir *William Stewart* of *Innereytie*, Sir *George Preſtoun* of *Valefield*, Sir *Robert Nairn* of *Strathourd*, Sir *William Graham* of *Braco*, Sir *James Merſer* of *Adie*, Sir *Gilbert Stewart* of *Pilcaik*, *Robert Murray* of *Abercairny*, *Alexander Menzies* of that ilk, *Thomas* Menzies of *Inchaiffray*, *Patrick Graham* of *Inchbraikie*, Mr. *John Nairn* of *Muckerſie*, *Robert Meinzies* of *Glaſſie*, *Robert Buchannan* of that ilk, Mr. *David Kinloch* of *Bandoch*, *Henry Stirling* of *Ardoch*, *John Kinloch* of *Gourdie*, *George Hay* of *Kirkland*, *George Hay* of *Balhouſie*, *Lawrence Oliphant* of *Bachletoun*, *William Murray* fiar of *Ochtertyre*, *Patrick Raitray* of *Craighall*, *John Campbel* of *Fordie*, *William Blair* of *Kinfains*, *Robert Murray* of *Buchantie*, *William Ogilvie* of *Mury*, *David Drummond* of *Innermey*, *Henry Murray* of *Lochlene*, *Andrew Toſheoch* of *Monivaird*, *George Graham* of *Monzy*, *Patrick Stewart* of *Ballenhane*, *Mungo Graham* of *Gorthy*, *Robert Campbel* of *Glenlyon*, *Alexander Robertſon* of *Strowan*, *Alexander Stewart*

Stewart of *Foſſe*, *John Nairn* of *Seggiedene*, *John Blair* of *Edblair*, *John Stewart* of *Sheirglaſs*, *Alexander Robertſon* of *Lud*, *John Henderſon* of *Brabſter*, *Duncan Robertſon* of *Auchleiks*, *John Stewart* of *Belnakeilie*, *Andrew Small* of *Dirnineau*, *Alexander Robertſon* of *Downey*, *James Ogilvie* of *Muretoun*, *Peter Hay* of *Leyes* younger, *Patrick Hay* of *Pitfour* younger, *Donald Robertſon* of *Belnacraig*, *Spalding* of *Askintullie*, Mr. *John Paterſon* of *Benchillis*, *William Preſtoun* of *Valefield* younger, Mr. *Hugh Moncrief* of *Tibbermalloch*, Sir *David Carmichael* of *Balmedie*, *Hugh Mitchel* of *Kincarrochie*, *John Robertſon* of *Fornocht*, Mr. *John Drummond* of *Lenoch*, *James Gourlay* in *Culroſs*, the Provoſt, Bailies, Dean of Gild, and Treaſurer of *Pearth*, for the time being, the Bailies of *Culroſs* for the time, *Gilbert Campbel* of *Keathick*, *John Graham* of *Balgown*, Sir *Lawrence Oliphant* of *Gask*, *George Campbel* of *Crunane*, *Gilbert Ramſay* of *Bamff*, *William Murray* of *Keillor*, *Mitchel Balfour* of *Pirmaden*, *Campbel* of *Glenampil*, *James Gray* of *Balligerny*, *Thomas Turnbull* of *Bogemilne*, *William Kinmont* of *Hill*, *Alexander Lindſey* of *Evelick*, *George Murray* of *Tibbermure*, Mr. *Alexander Malloch* of *Cairnies*, *William Moncrief* of *Kintullo*, Mr. *John* Moncrief of *Culfargie*, *John Moncrief* of *Eaſter-Moncrief*, Sir *William Auchinleck* of *Balmano*, *William Bruce* of *Fingask*, *Robert Graham* of *Cairny*, *Patrick Butter* of *Gormak*, Sir *Alexander Blair* of *Balthiack*.

Roxburgh.

For the Sheriffdom of *Roxburgh* and Burghs within the ſame, *William* Earl of *Roxburgh*, *John* Earl of *Hadingtoun*, Earl of *Lothian*, Lord *Cranſtoun*, Sir *Archibald Douglaſs* of *Cavers*, Sir *Gilbert Elliot* of *Stobs*, Sir *William Scot* of *Harden*, Sir *Gideon Scot* of *Haychеſter*, Sir *Thomas Ker* of *Cavers*, *Robert Ker* of *Gaitſhaw*, *Robert Ker* of *Crailinhall*, *Henry Mackdowgal* of *Mackairſtoun*, *John Rutherfoord* of *Edgerſtoun*, Mr. *Gilbert Elliot* of *Craigend*, *Patrick Scot* of *Thirleſtain*, *John Ker* of *Eliſhuch*, *James Linlithgow* of *Dry-grange*, *William Ker* of *Sunderlandhall*, *Henry Ker* of *Lintoun*, *John Turnbul* of *Minto*, *Robert Pringle* of *Stetchel*, *John Scot* of *Gorrenberry*, *Robert Ker* of *Graden*, *Robert Scot* of *Harwood*, *Robert Pringle* of *Cliftoun*, Mr. *John Scot* of *Langſhaw*, *Alexander Done* of *Newtoun*, *Gavin Elliot* of *Grange*, *Andrew Ker* of *Littledain*, and *Patrick Done* *John Rutherfoord* Provoſt of *Jedburgh*, and *John Rutherfoord* Baily.

Selkirk.

For the Sheriffdom of *Selkirk* and Burghs within the ſame, *John Murray* of *Philiphaugh*, *Thomas Scot* of *Whitſlaid*, Sir *Thomas Ker* of *Fairnely*, the Laird of *Whitebank* elder, *John Riddel* of *Haining*, *William Scot* of *Sintoun*, *William Scot* of *Hartwood-myres*, *William Scot* of *Tuſhelaw*, *John Murray* of *Eſcheſteil*, *John Scot* of *Woll*, *Patrick Murray* of *Helmburne*, *Thomas Scot* of *Todrig*, *John Scot* of *Langhop*, *Andrew Scot* of *Bowhill*, Mr. *John Angus* and *Robert Elliot* in *Selkirk*,

Lanerick.

For the Sheriffdom of *Lanerick* and Burghs within the ſame, *William* Duke of *Hamiltoun*, Earl of *Carnwath*, Lord *Fleming*, Sir *James Lockhart* of *Lee*, Sir *William Bailzie* of *Lamingtoun*, Sir *Robert Hamiltoun* of *Silvertounhill*, *VVilliam Lindſey* of *Covingtoun*, Sir *Thomas Hamiltoun* of *Preſtoun*, Sir *James Murehead* of *Lachop*, Sir *William VVeir* of *Stane-hyres*, Sir *James Hamiltoun* of *Orbeſtoun*, *Gavin Hamiltoun* of *Raploch*, *James Hamiltoun* of *Dalzel*, Sir *VValter Stewart* of *Allentoun*, *Alexander Hamiltoun* of *Haggs*, *John Ballentyne* of *Corehouſe*, Sir *James Carmichael* of *Bonnietoun*, *James Hamiltoun* of *VVoodhall*, *Thomas Stewart* of *Cultneſs*, *James Stewart* of *Turrens*, *VVilliam Inglis* of *Eaſtſheil*, *Alexander Meinzies* of *Culterawes*, *John Roberton* of *Earnock*, Mr. *Archibald Fleming* of *Fairne*, Mr. *Archibald Robertoun* of *Bedlay*, *Claud Bailzie* of *Baigbie*, *VVilliam Lindſay* of *Belſtane*, *Robert Chancelor* of *Sheilhill*, *VVilliam Bailzie* of *Littlegil*, *James Murehead* of *Bradyſholme*, *John VVeir* of *Clouburn*, *James Cleland* of that ilk, *Samuel Lockhart* of Mr. *John Hamiltoun* of *Grene*, *VValter Lockhart* of *Kirktoun*, *James Hamiltoun* Commiſſar of *Lanerick*, Mr. *Henry Scot* of *Moſſennane*, and *James Threiplaud* of two of the Magiſtrates of *Lanerick* for the time being, and two of the Magiſtrates of *Rutherglen* for the time being.

For the Town of *Glaſgow*, which is excepted out of the Sheriffdom of *Lanerick*; the Magiſtrates and Council for the time being.

Drumfries.

For the Sheriffdom of *Drumfries* and Burghs within the ſame, *Robert* Earl of *Nithiſdail*, *James* Earl of *Queensberry*, *Gavin* Earl of *Carnwath*, *James* Earl of *Annandail*, *William* Lord *Drumlangrig*,

langrig, *Robert Fergusſon* of *Craigdonnoch*, *James Hunter* of *Ballagen*, Sir *Robert Murray* of *Glenmure*, *Robert Dalzel* younger of *Glenie*, *James Chrightoun* of *St. Leonards*, *Robert Maxwel* of *Cairnſelloch*, *Gilbert Richart* of *Barskimming*, *William Douglas* of *Mortoun*, *James Johnſtoun* of *Coreheid* younger, Sir *James Johnſtoun* of *Weſterhall*, *John Irwing* Provoſt of *Drumfries*, *James Greer* Tutor of *Lag*, *Ambroſe Johnſtoun* of *Podein*, *John Scot* of *Newburgh*, *Chriſtopher Johnſtoun* of *Burnegleif*, *Hugh Sinclair* of *Ingleſtoun*.

Air.

For the Sheriffdom of *Air* and Burghs within the ſame, *William* Earl of *Glencairn*, Lord High Chancellor of *Scotland*, *Hugh* Earl of *Eglingtoun*, *John* Earl of *Lowdoun*, *William* Earl of *Drumfries*, *James* Lord *Kilmares*, *Alexander* Lord *Montgomery*, *John* Lord *Machline*, Lord *Creightoun*, *Allen* Lord *Cathcart*, *William* Lord *Boyd*, *John* Lord *Bargenie*, *William* Lord *Cochrane*, *William* Maſter of *Cochrane*, Sir *Robert Montgomery* of *Skelmorlie* Baronet, Sir *David Cunningham* of *Robertland* Baronet, *John Blair* of that ilk, Sir *William Moor* of *Rowaland*, *Robert Montgomery* of *Heſſilheid*, *James Dunlop* of that ilk, *David Montgomery* of *Langſhaw*, *Robert Ker* younger of *Kerſland*, *John Cunningham* of *Bedland*, *David Boyl* of *Kelburn*, *John Montfod* of that ilk, Sir *Hugh Campbel* of *Ceſnock*, Sir *James Dalrimple* of *Stair*, *John Chambers* of *Gaitgirth*, *John Cochran* of *Ochiltry*, *David Boſwel* of *Anchinlech*, *James Crightoun* of *St. Leonards*, *David Blair* of *Adamtoun*, *James Crightoun* of *Caſtlemains*, *Gilbert Ritchie* of *Barskimmin*, *Cunningham* of *Privick*, *William Campbel* of *Glaſnock*, *Kennedie* of *Culen*, *Mure* of *Achindrain*, *Kennedie* of *Kirkmichael*, *Thomas Kennedie* of *Balterſan*, *Boyd* of *Trochreg*, *James Crawford* of *Ardmillon*, and *Kennedie of Cragoch*, the Provoſt and Bailies of *Air* for the time being, and the Provoſt and two firſt Bailies of *Irwin* for the time being.

Dunbartoun.

For the Sheriffdom of *Dunbartoun* and Burghs within the ſame, Lord *Fleming*, Sir *John Colquhoun* of *Luſs*, *John Naper* of *Kilmahew*, *Robert Hamiltoun* of *Barnes*, Sir *Humphrey Colquhoun* of *Balvey*, *William Bontin* of *Ardoch*, *John Semple* younger of *Fulwood*, *Aulay Mackaulay* fiar of *Ardincapill*, *Archibald Stewart* of *Scottiſtoun*, *James Fleming* of *Oxgang*, Mr. *James Fleming* of *Baloche*, Major *George Noble*, *Walter Watſon*, *John Cunningham*, *Robert Watſon*, and *John Smollat* Burgeſſes of *Dunbarton*.

Argyle.

For the Sheriffdom of *Argyle* and Burghs within the ſame, the Laird of *Glenurquhay*, Sir *Dougal Campbel* of *Auchinbreck*, *Donald Campbel* of *Barbreck*, Sir *James Lawmont* of *Inneryne*, *Alexander Macknachtan* of *Dunderave*, *Archibald Campbel* of *Kilmun*, Sir *Hugh Campbel* of *Caddel*, *John Mackdowgal* of *Dunolichie*, *Colein Campbel* of *Lochnazel*, *Duncan Stewart* of *Apyne*, *Murdoch Macklean* of *Lochbowie*, *Hector Macklean* of *Corloisk*, *Archibald Campbel* of *Glencarradel*, *Mackdonnal* of *Largy*, *Hector Mackaleiſter* of *Loup*, *Colein Macklauchlan* Captain of *Inchconnel*, *Archibald Campbel* Factor of *Ila*, *Dougal Campbel* of *Dail*, *Duncan Campbel* Baily of *Kintyre*, the Provoſt and Baylies of *Inverary* for the time being, and *George Campbel*.

Fife and Kinroſs.

For the Sheriffdoms of *Fife* and *Kinroſs* and Burghs within the ſame, *John* Earl of *Crawford Lindſay* Lord High Treaſurer, *John* Earl of *Rothes* Preſident of the Council, Earl of *Kelly*, Earl of *Weymes*, Viſcount of *Stormont*, Lord *Balgony*, Lord *Sinclair*, Lord *Burghly*, Lord *Melvil*, *William Scot* of *Ardroſs*, Sir *Philip Anſtruther* of that ilk, Sir *Thomas Gourlay* of *Kincraig*, Sir *David Auchmouty* of that ilk, Sir *John Weymes* of *Bogie*, Mr. *Alexander Merteyn* of *Strainery*, Sir *Alexander Gibſon* of *Dury*, *Patrick Lindſey* of *Wormeſtoun*, Sir *John Leſly* of *Newtoun*, *Young* of *Kirtoun*, Sir *Henry Wardlay* of *Pitrevy*, Sir *James Hacket* of *Pitfirrin*, *Arnot* of *Fairny*, Mr. *David Balfour* of *Andrew Murray* of *Pitlochie*, Sir *Andrew Ramſay* of *Abbotſhall*, *William Pitcairn* of *Forfar*, *Lindſey* of *Dowhill*, *Alexander Bruce* Brother to the Earl of *Kincairn*, *Lindſey* of *Mouth*, *John Ramſay* of *Brackmont*, *Lindſey* of *Kirkforfar*, *James Clerk* of *Pettincrief*, *Alexander Bruce* of *Broomhall*, *Andrew Carſtairs* Burgeſs of St. *Andrews*, *William Simpſon* Burgeſs of *Diſert*, *John Williamſon* Burgeſs of *Kirkaldy*, *George Turnbull* Burgeſs of *Cowper*, *Alexander Black* Burgeſs of *Anſtruther Eaſter*, *Peter Oliphant* Burgeſs of *Anſtruther Weſter*, *James Moncrief* Burgeſs of *Crail*, *David Seatoun* Burgeſs of *Bruntiſland*, *Thomas Thomſon* Burgeſs of *Innerkeithen*, *Robert Cunningham* Burgeſs of *Kinghorn*, *Peter Walker* Burgeſs of *Dumfermling*, *Thomas Peacock* Burgeſs of *Kilreny*, and *Walter Airth* Burgeſs of *Pettenweyme*.

Wigtoun

Wigtoun.

For the Sheriffdom of *Wigtoun* and Burghs within the ſame, *James* Earl of *Galloway*, *Alexander* Lord *Gairlies*, *Andrew Agnew* appearand of *Lochnaw*, *Thomas Dunbar* of *Mochrum*, *Patrick Mackdowald* of *Logan*, *William Stewart* of *Caſtleſtewart*, *Uchtrick Mackdonnal* of *Freuch*, *William Gordoun* of *Craichlaw*, Sir *James Dalrimple* of *Stair*, *David Dumbar* of *Baldon*, *Alexander Maculloch* of *Ardvall*, *John Murray* of *Brughtoun*, *John Howſtoun* of *Drummaſtoun*, *William Stewart* of *Egirneſs*, *George Stewart* of *Tudergie*, *William Macguffock* of *Alterry*, *Thomas Stewart* of *Glentark*, *Richard Murray* of *Brughtoun* younger, *John Macculloch* of *Myrtoun*.

Stewartry of Kirkcudburgh.

For the Stewartry of *Kirkcudburgh* and Burghs within the ſame, *Robert* Earl of *Nithiſdail*, *James* Earl of *Galloway*, *Robert* Viſcount of *Kenmure*, *Alexander* Lord *Garlies*, *John* Lord *Herris*, *John* Lord *Kirkcudburgh*, *Robert* Maſter of *Herris*, *John Herris* of *Maybie*, Sir *Iames Murray* of *Babertoun*, *David Mackbrair* of *Newark*, *William Maxwel* of *Kirkhouſe*, Mr. *Alexander Spotſwood* of *Sweetheart*, Mr. *Thomas Hay* of *Lands*, *Iames Maxwel* of *Braikenſide*, *Roger Gordoun* of *Troquhen*, *William Gordoun* of *Shirroners*, Mr. *William Gordoun* of *Earleſtoun*, *Robert Maxwel* of *Orchartoun*, *William Mackleland* of *Collin*, *George Maxwel* of *Munſhes*, *Richard Murray* of *Broughtoun*, *Alexander Mackghie* of *Balmackghie*, *William Greirſon* of *Bargaton*, *Iohn Corſan* of *Sannick*, *Gilbert Brown* of *Kempiltoun*, *Iohn Dumbar* of *Machirmore*, *Iohn Mure*, Tutor of *Caſſincarie*, *Patrick Mackie* of *Larg*, *Andrew Herroun* of *Kiruchtrie*, and *Iohn Ewart* of *Mullack*, the Provoſt and Bailies of *Kirkcudburgh* for the time being, and the Provoſt of *Newgalloway* for the time being.

Peibles.

For the Sheriffdom of *Peibles* and Burghs within the ſame, *John* Earl of *Traquair*, *John* Earl of *Tweddale*, the Lairds of *Blackbarronie* elder and younger, *William Murray* of *Stainhope*, Sir *John Vaitch* of *Daick*, *John Vaitch* his ſon, Sir *Michael Naeſmith* of *Poſſa*, Sir *Robert Murray* of *Skirling*, *Robert Hunter* of *Polmude*, *William Horſburgh* of *Horſburgh*, *Walter Murray* of *Halmyre*, *Adam Murray* of *Cardon*, *James Geddes* of *Kirkurd*, *John Murray* of *Romanno*, Mr. *John Dickſon* of *Whitſleed*, *Alexander Bailzie* of *Flemingtoun-milne*, Mr. *John Hay* of *Hayſtoun*, *George Tait* of *Pirne*, Mr. *William Burnet* of *Cringeltie*, *George Brown* of *Scotſtoun*, *William Brown* of *Stevinſon*, *James Lawſon* of *Cairnmure*, *William Goven* of *Cardrona*, *Hamiltoun* of *Caldcoat*.

Bute.

For the Sheriffdom of *Bute* and Burghs within the ſame, *William* Duke of *Hamiltonn*, Sir *James Stewart* Sheriff of *Bute*, *Dougal Stewart* his ſon, *Hector Bannatine* of *Beams*, *Ninian Stewart* of *Kikatten*, *Ninian Stewart* of *Aſhboag*, *John Stewart* of *Ardinho*, *John Hamiltoun*, Baily of *Arran*, *William Hamiltoun* of *Coats*, *James Stewart* of *Kiniwhinlick*, and *John Glask* of *Branſer*, the Provoſt and Bailies of *Rothſay* for the time being.

Stirline.

For the Sheriffdom of *Stirline* and Burghs within the ſame, *William* Duke of *Hamiltoun*, *James* Marqueſs of *Montroſe*, Earl of *Wigtoun*, *James* Earl of *Callender*, Lord *Fleming*, *James* Lord *Forreſter*, *Alexander Levingſtoun* Nevoy to the Earl of *Callender*, Sir *William Levingſtoun* of *Weſtquarter*, Sir *Robert Elphingſtoun* of *Quarrel*, *Normand Levingſtoun* of *Milnehill*, Mr. *Andrew Oſwald* of *Dalderſe*, *John Rollo* of *Woodſide*, *William Bruce* of *Newtoun*, *Thomas Elphingſtoun* of *Catherhall*, *Jon Murray* of *Polmais*, *James Seatoun* of *Touch*, Sir *John Rollo* of *Bannackburne*, Sir *Charles Erſkin* of *Alva*, *William Stirline* of *Herbertſhire*, *Alexander Monro* of *Bearcrofts*, Sir *James Levingſtoun* of *Kilſyth*, *Hamiltoun* of *Pardewie*, *John Stirline* of *Bankel*, Sir *George Stirline* of *Keir*, Sir *Mungo Stirline* of *Glorat*, *Buchannan* of that ilk, *Alexander Glaſs* of *Coltinghoofe*, Sir *John Stirline* of *Carden* younger, *Walter Leckie* of *Deſhors*, *John Leckie* of that ilk, *Alexander Cunningham* of *Bowhan*, and Mr. *Alexander Nairn* of *Eaſter-Greenyards*, the Provoſt, Bailies, Dean of Gild, and Treaſurer of the Town of *Stirline* for the time being.

Bamff.

For the Sheriffdom of *Bamff* and Burghs within the ſame, *William* Earl of *Marſhal*, Earl of *Findlator*, *Walter Ogilvy* of *Boyne*, Sir *John Gordoun* of *Park*, Sir *Alexander Urquhart* of *Dunlugus*, *William Innes* of *Kivermonie*, Mr. *John Abercrombie* of *Glaſſock*, *George Gordoun* of *Thornbank*, *Alexander Garden* of *Troup*, *James Innes* of *Auchrosk*, Sir

Alexander Abercrombie of *Birkinboge*, *William Dalgarno* of *Blackwater*, and *Alexander Ogilvie* of *Kempcairn*. The Provoſt and Bailies of the Town of *Bamff* for the time being, and the Bailies of *Culen* for the time being.

Sutherland.

For the Sheriffdom of *Sutherland* and Burghs within the ſame, Earl of *Sutherland*, *George* Lord *Stranaver*, Lord *Rae*, *Alexander* Lord *Duffus*, *Robert Gordoun* of *Langdail*, Sir *Robert Gordoun* of *Embo*, *Robert Gray* of *Skibo*, *Robert Gordoun* of *Carrol*, *Hugh Macky* of *Scowry*, *Angus Macky* of *Melnies*, *John Sutherland* of *Clyne*, *William Gordoun* of *Dalphollie*, the Provoſt of *Dornoch* for the time being, and *Alexander Gordoun* Burgeſs there.

Clackmannan.

For the Sheriffdom of *Clackmannan* and Burghs within the ſame, *Henry Bruce* of *Clackmannan*, Sir *Charles Erskin* of *Alva*, Mr. *Robert Bruce* of *Schanbodie*, *John Nicolſon* of *Dillicultrie*, *David Bruce* of *Kennet*, *William Stirline* of *Herbertſhire*, Mr. *Thomas Naper* Baily in *Allaway*, *Patrick Burn* of *Sheirdel*, and *Iohn Keirie* in *Allaway*.

Elgin.

For the Sheriffdom of *Elgin* and Burghs within the ſame, *Alexander* Earl of *Murray*, *Alexander* Lord *Duffus*, *Iames Grant* of *Freuchie*, Sir *Robert Innes* of that ilk, *Thomas Mackenzie* of *Pluſcardin*, Sir *Robert Innes* of *Muirtoun*, *Iames Brodie* of that ilk, *Robert Cuming* of *Altar*, *Walter Kinnaird* of *Cubin*, Sir *Alexander Innes* of *Cokſtoun*, Sir *Robert Dunbar* of *Grainghil*, *Iohn Stewart* of *Newtoun*, *Alexander Dowglaſs* of *Speiney*, *Alexander Tulloch* of *Tannachie*, *David Dunbar* of *Dunfail*, *George Innes* of *Caldcoats*, *Iohn Grant* of *Ballandolloch*, *Patrick Grant* of *Achehangin*, *William Grant* of *Cardels*, *Iames Grant* of *Achernick*, the Provoſt and two Bailies of the Burgh of *Elgin* for the time being, the Provoſt and eldeſt Baily of the Burgh of *Forres* for the time being.

Innerneſs.

For the Sheriffdom of *Innerneſs* and Burghs within the ſame, the Earl of *Murray*, the Earl of *Seafort*, *Iames Grant* of *Freuchie*, *Lauchlan Mackintoſh* Uncle to the Laird of *Mackintoſh*, *Iohn Forbes* of *Cullodin*, *Hugh Fraſer* of *Belladrum*, *Alexander Mackintoſh* younger of *Connedge*, *Hugh Fraſer* of *Foyer*, *Donald Mackintoſh* of *Oldourie*, Mr. *Roderick Mackeinzie* of *Kilmure*, *Alexander Graham* of *Drynie*, Sir *Iohn Urquhart* of *Cromarty*, *Alexander Dunbar* of *Kennedfield*, *Kenneth Mackeinzie* of *Coul*, *Roderick Mackeinzie* of *Davachmaluake*, *Roderick Mackeinzie* younger of *Ferburn*, *Colein Mackeinzie* of *Reidcaſtle*, *Iohn Cuthbert* of *Caſtlehill*, *Eune Macpherſon* Tutor of *Cluny*, Sir *Norman Mackleod* of *Kernary*, *Iohn Grant* of *Garthinmore*, *Mungo Grant* of *Cunnigars*, *Iames Grant* of *Sheuglie*, the Provoſt and Bailies of *Innerneſs* for the time being, *Iames Anderſon* and *Robert Innes* in *Forteroſe*, the Provoſt and one of the Bailies of *Dingwal* for the time being.

Cromarty.

For the Sheriffdom of *Cromarty* and Burghs within the ſame, Sir *Iohn Urquhart* of *Cromarty*, *Alexander Urquhart* of *Kinnudie*, *Alexander Clunes* Baily of *Cromarty*.

Renfrew.

For the Sheriffdom of *Renfrew* and Burghs within the ſame, *Hugh* Earl of *Eglingtoun*, *Iames* Lord *Kilmares*, *Alexander* Lord *Montgomery*, *George* Lord *Roſs*, *William* Lord *Cochrane*, *William* Maſter of *Cochrane*, the Lairds of *Houſtoun* elder and younger, the Lairds of *Blackhall* elder and younger. Sir *Patrick Maxwel* of *Newwark*, Sir *George Maxwel* fiar thereof, Sir *Iames Hamiltoun* of *Orbiſtoun*, *Alexander Cunningham* of *Craigans*, *Pollock* of that ilk, Sir *Iohn Shaw* younger of *Greinock*, *Cornelius Crawford* of *Jordanhill*, the Laird of *Biſhoptoun* younger, *Alexander* and *John Poterfields* elder and younger of *Duchel*, *Patrick Fleming* of *Barnchano*, *George Howſtoun* of *Johnſtoun*, *John Maxwel* of *Blackſtoun*, *Archibald Stewart* of *Scotiſtoun*, *John* and *James Maxwels* elder and younger of *South-barn*, *James Brisbane* of *Serviland*, *Matthew Brisbane* of *Roſland*, Sir *Adam Blair* of *Lochwood*, *Andrew Sempil* in *Renfrew*, *Robert Pollock* of *Milburn*, the Bailies of *Paiſlie* for the time being, and *James Dunlop* of *Howſil*.

Aberdeen.

For the Sheriffdom of *Aberdeen* and Burghs within the ſame, Colonel *George Keith* of *Aden*,

Aden, *Alexander Frazer* elder of *Philorth*, Sir *John Gordoun* of *Haddoe*, Sir *John Forbes* of *Watertoun*, Sir *John Keith* Knight Marſhal, Sir *James Baird* of *Achmedden*, *Robert Irwirg* of *Lederet*, *George Gordoun* of *Coclarachie*, *John Gordoun* of *Blelack*, *Alexander Fraſer* younger of *Philorth*, *Alexander Keith* younger of *Ludquhairn*, *John Udnie* of that ilk, Major *George Keith* of *Knock*, *Alexander Bannerman* of *Elſick*, *Bannerman* his Son, *John Gordoun* of *Fechil*, Lievtenant Colonel *Forbes* of *Fouls*, *John Seatoun* of *Thorntoun*, *Alexander Straquhan* younger of *Glenkinidie*, *Francis Frazer* of *Kinmundie*, *Erskin* of *Pittodrick*, *Alexander Erskin* of *Rothnie*, *Alexander Lumſdaine* of *Carnday*, Colonel *John Fulertoun* of *Dudwick*, *John* Meldrum of *Hattoun*, and *John Gordoun* of *Auchleuchries*, the Provoſt, Bailies, Treaſurer, and Dean of Gild of *Aberdeen* for the time being, the Provoſt and two Bailies of *Kintore* for the time being, *John Johnſtoun* Baily of *Inverury*, and *William Ferguſon* younger Burgeſs there.

Roſs.

For the Sheriffdom of *Roſs* and Burghs within the ſame, *Kenneth* Earl of *Seafort*, Sir *George Mackenzie* of *Tarbit*, *David Roſs* of *Belnagonie*, *John* Monro younger of *Foulis*, *David Roſs* of *Pitcalnie*, *William Roſs* of *Grunord*, *Walter Inves* of *Inuerbreckie*, *Hector Dowglas* of *Muldarg*, *Hector Mackenzie* of *Aſſint*, Mr. *Thomas Mackenzie* of *Inerlael*, Sir *William Sinclair* of *May*, *William Sinclair* of *Dunbeath*, Sir *George* Monro of *Culkairn*, and *James Hay* Burgeſs of *Tain*.

Kincardin.

For the Sheriffdom of *Kincardin* and Burghs within the ſame, *William* Earl of *Marſhal*, *John* Earl of *Middletoun*, *Robert* Viſcount of *Arbuthnet*, *Alexander* Lord *Halkertoun*, and in his abſence *Alexander* Maſter of *Halkartoun*, *Alexander Straton* of that ilk, Sir *John Keith*, *Alexander Bannerman* of *Elſick*, and *Bannerman* his ſon, *David Ramſay* younger of *Balmayn*, Sir *James Straquhan* of *Thorntoun*, Sir *Robert Graham* of *Morphie*, Sir *Alexander Burnet* of *Leyes*, Sir *Francis Ogilvie* younger of *New-grange*, *John Barklay* of *Johnſtoun*, Colonel *Henry Barklay* of *Knox*, *Arthur Straton* of *Snadoun*, *Falconer* of *Glenforquhar*, *Robert Keith* of *Whitriggs*, *William Rait* younger of *Halgrein*, *Andrew Wood* of *Babignie*, *Allereds* of *Allereds*, Sir *James Ramſay* of *Benholme*, Sir *Alexander Carnagie* of *Pittaro*, *Andrew Arbuthnet* of *Fiddes*, Mr. *William Ramſay* of *Woodſtoun*.

Caithneſs.

For the Sheriffdom of *Caithneſs* and Burghs within the ſame, Earl of *Caithneſs*, Sir *William Sinclair* of *Mey*, *William Sinclair* of *Ratter*, *William Sinclair* of *Dumbeath*, *John Sinclair* of *Brims*, *Murry* of *Pennieland*, *David Murry* of *Clairden*, *Robert Monro* of *Borlome*, *Alexander Sinclair* of *Telſten*, *David Sinclair* of *Dune*, Mr. *James Innes* of *Sandſaid*, *James Sinclair* of *Aſſere*, *Frances Sinclair* of *Stirkaike*, *Walter Innes* of *Ortoun*.

Orkney and Zetland.

For the Sheriffdom of *Orkney* and *Zetland* and Burghs within the ſame, Earl of *Mortoun*, Colonel *John Stewart* of *Newwark*, *James Stewart* of *Gramſay*, *Hugh Halcu* of that ilk, *Robert Stewart* of *Burgh*, Mr. *Patrick Graham* *James Baikie* of *Tankerneſs*, *Patrick Monteith* of *Egilſhaw*, *Hugh Craigie* of *Gairſey*, *Patrick Blair* of *Little-Blair*, *Archibald Stewart* of *Burrough*, *George Smith* of *Rapneſs*, *John Sinclair* of *Quandail*, *James Sinclair* of *Skallowway*, *Andrew Bruce* of *Munis*, *William Bruce* of *Soundburgh*, Mr. *James Mouat* *Gilbert Nivin*, *Chein* of *Eſlemont*, and *Robert Hunter* Factor for the Earl of *Mortoun*.

Forfar.

For the Sheriffdom of *Forfar* and Burghs within the ſame, (*Dundee* excepted) *James* Earl of *Buchan*, *Patrick* Earl of *Kinghorn*, *James* Earl of *Southesk*, Earl of *Airlie*, *John* Earl of *Dundee*, *Robert* Viſcount of *Arbuthnet*, *James* Lord *Ogilvie*, *George* Lord *Brithan*, *David* Lord *Lour*, *James* Lord *Cowper*, Sir *David Ogilvie* ſon to the Earl of *Airlie*, Sir *James Ogilvie* of *Newgrange*, *John Ogilvie* of *Balfour*, Sir *John Carnegie* of *Boyſack*, Sir *Alexander Erskin* of *Dun*, *John Lindſey* of *Edgle*, *John Wood* of *Bonnytoun*, *John Graham* younger of *Fentry*, *David Fothringham* of *Pourie*, *John Garden* of *Latoun*, *David Erskin* of *Carboddo*, *William Fullertoun* of that ilk, Mr. *Robert Hay* of *Dronlaw*, *John Ogilvie* of *Petterves*, Sir *John Carnegie* of *Bonniemune*, *James Scot* of *Logie*, *Peter Young* of *Seatoun*, *Walter Graham* of *Duntroun*, *James Durham* younger of *Omachie*, *Patrick Lyon* of *Bridgtoun*,

William Lyon of *Eaſtergill*, *Henry Mauld* of *Melgum*, *William Gray* of *Innerichtie*, *John Fothringham* of *Dunun*, *John Ogilvie* of *Peil*, *Patrick Wentoun* of *Siricḳmartine*, *James Crighton* of *Ruthven*, *David Neavoy* of that ilk, *John Scrimger* of *Kirktoun*, *John Hunter* of *Balgay*, Sir *Alexander Wedderburn* of *Blackneſs*, Mr. *Patrick Yeaman* of *Dryburgh*, Mr. *James Kid* of *Craigie*, *Peter Lyon* of *Coſſans*, *Peter Blair* of *Dunkeny*, *David Carnegie* of *Craig*, and *Robert Arbuthnet* of *Fyndourie*, two of the Magiſtrates of *Forfar*, *Breichen*, *Montroſe* and *Aberbrothick*, for the time being.

For the Town of *Dundee*, comprehending as ſaid is, the Magiſtrates and Council for the time being.

Berwick.

For the Sheriffdom of *Berwick* and Burghs within the ſame, Sir *Archibald Cockburn* of *Langtoun*, *James Hoppringle* of that ilk, *John Home* of *Blaccader*, Sir *James Home* of *Eccles*, Sir *Robert Dowglas* of *Blaikerſtoun*, *John Home* of *Prandergaiſt*, *George Ramſay* of *Idingtoun*, Mr. *Robert Sinclair* of *Longformacus*, *George Home* of *Kaimbes*, *Robert Home* of *Kimerghame*, *Archibald Dowglas* of *Lumſdaine*, *John Ker* of *Weſtnisbit*, *Patrick Boge* of *Burnhouſes*, *Alexander Home* of *Linthill*, *Robert Home* of *Bogend*, Mr. *John Home* of *Bellita*, Mr. *Thomas Ridpeth* of *Fulfardlies*, and the two Bailies of *Lawder* for the time being.

Nairn.

For the Sheriffdom of *Nairn* and Burghs within the ſame, Sir *Hugh Campbel* of *Caddel*, *John Grant* of *Moynes*, *John Hay* of *Lochlow*, *Hugh Roſs* of *Kilravock*, *Thomas Dumbar* of *Grange*, *Alexander Campbel* of *Urchney*, *Alexander Dumbar* of *Booth*, *John Sutherland* of *Kinſtairie*, *Hugh Hay* of *Birchmony*, *Colin Campbel* of *Delneyes*, *John Roſs* of *Braidley*, *Hugh Roſs* younger of *Clava*, two of the Magiſtrates of the Burgh of *Nairn* for the time being.

With power to the ſaids Commiſſioners or major part of them, to take trial of what Malt is brewed and ſold within their reſpective diviſions, and to order the collecting and raiſing of the Exciſe thereof, at two Merks upon the Boll; and to raiſe the remainder of the proportion impoſed upon each reſpective Shire and burgh, which ſhall not ariſe by payment of the foreſaid two merks upon the Boll of Malt, and of the rates impoſed upon the other particulars above mentioned, *B*rewed and ſold or imported as ſaid is, from the reſpective Shires and Burghs in lieu of the Malt brewed in their own houſes; and that according to the rule of the valuations as the ſame were apportionat before *Auguſt* laſt. As alſo, with power to the ſaids Commiſſioners to meet and conveen at ſuch times and places as they ſhall think fit, and to chooſe their own Conveeners (who is to adminiſter an Oath *De fideli Adminiſtratione* to the remanent Commiſſioners at their firſt meeting, and take the ſame himſelf) and to appoint their own Collectors, and other Officers, except the Clerk, who is to be named by the Clerk of Regiſter, and to modifie neceſſar Fees for the ſaids Collectors, Clerks, and other Officers, and to ſub-divide themſelves for the more ſpeedy and equal ordering of the ſaid Exciſe. With power alſo to them to eſtabliſh Offices of Exciſe (at which Offices, the whole Brewers are hereby required to make their Entries, at leaſt once every moneth, of their weekly brewing) and by Miller, Maltman, Oath of party, Witneſſes, or any other lawful manner of way to diſprove the Entries given in, and to impoſe Fines upon the perſons whoſe Entries ſhall be diſproven, not exceeding the double of the value of the Malt conceal'd, and to decern and determine in all caſes and debates, relating to the ſaid Exciſe within their reſpective diviſions; and for that effect to uſe all lawful maner of probation as ſaid is: And ordains general Letters to be direct *gratis* upon the ſaids Commiſſioners, their Decreets, at the inſtance of the reſpective Collectors; or otherwayes with power to the ſaids Commiſſioners, to poynd and diſtrenizie upon their own Decreets, quarter upon the Deficients, or impriſon their perſons till payment be made of the ſums due by them, as well principal as expences; and which expences the ſaids Commiſſioners are hereby impowred to modifie. And it is hereby Declared, That there ſhall be no neceſſity to apprize the Goods of the Deficients at the Mercat Croſs, but that it ſhall be lawfull to apprize the ſame, at the neareſt Paroch Church, And ſicklike it is hereby Staute and Ordained, that the Commiſſioners of the reſpective Shires and Burghs ſhall be, and are oblieged to pay in their reſpective proportions of the ſaid Shires and Burghs to ſuch as are, or ſhall be appointed by His *Majeſty*,

to

to receive the ſame at four terms in the year, *viz. Whitſunday*, *Lambmeſſe*, *Mertimeſſe*, and *Candlemeſſe*, by equal proportions, beginning the firſt terms payment at *Lambmeſſe* next, for the three moneths of *May*, *June*, and *July*, immediatly preceeding the ſame: And which Commiſſioners, are by theſe preſents impowered to put in execution the whole forementioned Orders and Inſtructions, for raiſing and inbringing of the ſaid Exciſe for their relief. As alſo the Kings *Majeſty*, with advice and conſent of His Eſtates of Parliament, gives power to the Lords of His *Majeſties* Privy Council, to nominate and appoint Commiſſioners of Exciſe in the reſpective Shires and Burghs upon the death or inability of any of the Commiſſioners above-named.

XV.

Act Reſcinding and Annulling the pretended Parliaments, in the years, 1640, 1641, &c.

THe Eſtates of Parliament, conſidering that the Peace and happineſs of this Kingdom, and of His *Majeſties* good Subjects therein, doth depend upon the Safety of His *Majeſties* Perſon, and the Maintenance of His Royal Authority, Power and Greatneſs; And that all the miſeries, confuſions and diſorders which this Kingdom hath groaned under, theſe twenty years, have iſſued from, and been the neceſſary and natural products of theſe neglects, contempts and invaſions, which in and from the beginning of theſe troubles, were upon the ſpecious (but falſe) pretexts of Reformation (the common cloak of all Rebellions) offered unto the Sacred Perſon and Royal Authority of rhe Kings *Majeſty*, and His Royal Father of bleſſed memory. And notwithſtanding, that by the ſacred Right, inherent to the Imperial Crown (which His *Majeſty* holds immediatly from GOD Almighty alone) and by the ancient conſtitution and fundamental Laws of the Kingdom; the power of convocating and keeping Aſſemblies of the Subjects; the power of Calling, Holding, Proroguing and Diſſolving of Parliaments, and making of Laws, the power of entering into Bonds, Covenants, Leagues and Treaties; the power of raiſing Armes, keeping of Strengths and Forts, are Eſſential parts, and Inſeparable priviledges of the Royal Authority and Prerogative of the Kings of this Kingdom: Yet, ſuch hath been the madneſs and deluſion of theſe times, that even Religion it ſelf, which holds the Right of Kings to be Sacred and Inviolable, hath been pretended unto, for warrand of all theſe injurious Violations and Incroachments, ſo publickly done and owned, upon and againſt, His *Majeſties* juſt Power, Authority and Gevernment; By making and keeping of unlawfull Meetings and Convocations of the people; By entering into Covenants, Treaties and Leagues; By ſeizing upon, and poſſeſſing themſelves of His *Majeſties* Caſtles, Forts and Strengths of the Kingdom; and by holding of pretended Parliaments, making of Laws, and raiſing of Armes for the maintaining of the ſame: And that not only without warrand, but contrary to His *Majeſties* expreſs Commands. And although the late Kings *Majeſty*, out of His meer grace and reſpects to this His native Kingdom, and the peace and quiet of His people, and for preventing the conſequences, which ſuch a bad example, and practice might occaſion, to the diſturbance of the Peace of His other Kingdoms, was pleaſed in the year, one thouſand ſix hundred and fourty one, to come into this Countrey, and by His own preſence, at their pretended Parliaments and otherwayes, to comply with, and give way to, many things neerly concerning the undoubted Intereſt and Prerogative of the Crown, expecting that ſuch unparllel'd Condiſcentions ſhould have made His Subjects aſhamed of their former miſcarriages, and the very thoughts thereof, to be hatefull to them and their poſterity for ever. Yet ſuch was the prevalency of the ſpirit of Rebellion that raged in many for the time, that not content of that peace and happineſs, which even above their deſires, was ſecured to them; nor of thoſe many Grants of honour and profit, by which, His *Majeſty* endeavoured to endear the moſt deſperate of them to their duty and obedience, they then, when His *Majeſty* had not left unto them any pretence or ſhadow of any new deſire to be propoſed, either concerning themſelves or the Kingdom, did moſt unworthily engage, to ſubvert His *Majeſties* Government, and the publick Peace of the Kingdom of *England*: For which purpoſe, having joyned in a League with ſome there, they, for the better proſecution of the ſame, did aſſume unto themſelves, the Royal Power, kept and held Parliaments at their pleaſure; by the pretended Authority of which, they laid new exactions upon the people (which in one moneth did far exceed what ever by the Kings Authority had been raiſed in a whole year) levied Armes, ſent out Edicts, requiring obedience unto their unlawfull demands; and with all manner of violence purſued ſuch as out of duty to His *Majeſties* Authority oppoſed them, by fines, confirmations, impriſonment, baniſhment, death, and

forfeiture of their posterity; and with their Army thus raised, invaded His *Majesties* Kingdom of *England*, and joyned with such as were in Armes against His *Majesty* there. And thus maintaining their usurped power, and violently executing the same against all Law, Conscience, Honour and Humanity, have made themselves instruments of much loss, shame and dishonour to their native Countrey, and have justly forfeited any favour they might have pretended to, from His *Majesties* former concessions. And forasmuch, as now it hath pleased Almighty GOD, by the power of His own right hand, so miraculously to restore the Kings *Majesty* to the Government of His Kingdoms, and to the exercise of His Royal Power and Soveraignty over the same, The Estates of Parliament do conceive themselves oblieged, in discharge of their duty and conscience to GOD and the Kings *Majesty*, to employ all their power and Interest for vindicating His *Majesties* Authority from all these violent invasions that have been made upon it, and so far as is possible, to remove out of the way, every thing that may retain any rememberance of these things, which have been so injurious to His *Majesty* and His Authority, so prejudicial and dishonourable to the Kingdom, and destructive to all just and true interests within the same. And considering, that besides the unlawfulnesse of the publick Actings during these troubles, most of the Acts in all and every of the Meetings of these pretended Parliaments, do highly incroach upon, and are destructive of, that Soveraign Power, Authority, Prerogative and Right of Government, which by the Law of GOD and the ancient Laws and Constitutions of this Kingdom, doth reside in, and belong unto, the Kings *Majesty*, and do reflect much upon the honour, loyalty and reputation of this Kingdom, or are expired, and serve only as testimonies of disloyalty and reproach upon the Kingdom, and are unfit to be any longer upon Record. Therefore the Kings *Majesty* and Estates of Parliament, do hereby Rescind and Annull the pretended Parliaments, kept in the years one thousand six hundred and fourty, one thousand six hundred and fourty one, one thousand six hundred and fourty four, one thousand six hundred and fourty five, one thousand six hundred and fourty six, one thousand six hundred and fourty seven, and one thousand six hundred and fourty eight, and all Acts and Deeds past and done in them, and Declares the same to be henceforth void and null. And His *Majesty*, being unwilling to take any advantage of the failings of His Subjects during those unhappy times, is resolved not to retain any rememberance thereof, but that the same shall be held in everlasting oblivion; and that all difference and animosities being forgotten, His good Subjects may in a happy union, under His Royal Government, enjoy that happiness and peace, which His *Maiesty* intends, and really wisheth unto them as unto Himself, Doth therefore by advice and consent of His Estates of Parliament, grant His full Assurance and Indempnity to all persons that acted in, or by vertue of the said pretended Parliaments and other Meetings flowing from the same, to be unquestioned in their Lives or Fortunes, for any Deed or Deeds done by them in their said usurpation, or by vertue of any pretended Authority derived therefrom, excepting alwayes, such as shall be excepted in a general Act of Indempnity, to be past by His *Majesty* in this Parliament. And it is hereby declared, That all Acts, Rights and Securities, past in any of the pretended Meetings above-written, or by vertue thereof, in favours of any particular persons, for their civil and private interests, shall stand good and valid unto them, untill the same be taken into further consideration, and be determined in this, or the next Session of this Parliament.

XVI.

Act concerning Religion and Church Government.

OUr Soveraign Lord, being truly sensible of the mercies of Almighty GOD, towards Him in His preservation, in times of greatest trouble and danger, and in his miraculous Restitution to His just Right and Government of His Kingdoms. And being desirous to improve these Mercies, to the glory of GOD and honour of His great Name, Doth with advice and consent of His Estates of Parliament, Declare, That it is His full and firm resolution, to maintain the true reformed Protestant Religion, in it's purity of Doctrine and Worship, as it was established within this Kingdom, during the Reigns of His Royal Father and Grand-father of blessed memory. And that His

His *Majesty* will be careful to promote the power of Godlineſſe, to encourage the exerciſes of Religion, both publick and private, and to ſuppreſſe all prophaneneſſe, and diſorderly walking. And for that end will give all due countenance and protection to the Miniſters of the Goſpel, they containing themſelves within the Bounds and Limits of their Miniſterial Calling, and behaving themſelves with that ſubmiſſion and obedience to His *Majesties* Authority and Commands, that is ſuitable to the Allegiance and Duty of good Subjects. And as to the Government of the Church, His *Majesty* will make it His care, to ſettle and ſecure the ſame, in ſuch a frame as ſhall be moſt agreeable to the word of GOD, moſt ſuitable to Monarchical Government, and moſt complying with the publick peace and quiet of the Kingdom. And in the mean time, His *Majesty*, with advice and conſent foreſaid, Doth allow the preſent Adminiſtration by Seſſions, Presbytries and Synods, (they keeping within bounds and behaving themſelves as ſaid is) and that notwithſtanding of the preceeding Act, reſciſſory of all pretended Parliaments, ſince the year one thouſand ſix hundred and thirty eight.

XVII.

Act for a Solemn Anniverſary Thanksgiving for His Majeſties *Reſtauration to the Royal Government of His Kingdoms.*

THe Eſtates of Parliament of the Kingdom of *Scotland*, taking to their conſideration the ſad Condition, Slavery and Bondage, this ancient Kingdom hath groaned under, during theſe twenty three years Troubles: In which, under the ſpecious pretences of Reformation, a publick Rebellion hath been, by the Treachery of ſome, and miſ-perſwaſion of others, violently carried on againſt Sacred Authority, to the ruine and deſtruction, ſo far as was poſſible, of Religion, the Kings *Majeſty*, and His Royal Government, the Laws, Liberties and Property of the People, and all the publick and private Intereſts of the Kingdom; So that Religion it ſelf, which holds the right of Kings to be Sacred, hath been proſtitute for the warrand of all theſe treaſonable invaſions made upon the Royal Authority, and diſloyal limitations put upon the Alleagiance of the Subjects. And hath it not alſo been pretended unto, for the warrand of all thoſe vile and bloody Murthers, which in high contempt of Almighty GOD and of His *Majeſties* Authority and Laws, were under colour of Juſtice commited upon His *Majeſties* good Subjects, meerly for the diſcharge of their Duty to GOD, and Loyalty to the *King*? Hath not that Royal Government, under whoſe Protection this Nation hath, to the envy of the World, been ſo famous for many ages, been of late troden under foot, and new Governments and Governours eſtabliſhed and kept up without His *Majeſties* Authority, and againſt His expreſſe Commands? Hath not Law, which is the Birth-right and Inheritance of the Subjects, and the Security of their lives and fortunes, been laid in the duſt, and new and unjuſt Edicts and Orders paſt and publiſhed, for ſubjecting both life and fortune, and what elſe was dear unto any of His *Majeſties* good Subjects, to the Cruel and Ambitious Luſts of ſome uſurping Rulers? Hath not Religion and Loyalty been the only objects of their Rapine and Cruelty? And hath not their new and arbitrary Exactions and Burdens upon the People, exceeded in one moneth what ever had been formerly in many years paid to any of the Kings of this Kingdom? And when the beſt of men and the moſt Excellent of the Kings of the earth, had in an unuſual way of confidence rendred His Perſon to the Truſt and Loyalty of His Native Subjects, was not the ſecurity of Religion pretended unto by ſome, who then governed in Church and State for the ground of that baſe (and never enough to be abhorred) tranſaction, in leaving ſuch a Prince their Native and Dread Soveraign, to the will of theſe who were in open Rebellion, and for the time had their ſwords in their hands againſt Him; And that when by theſe and many ſuch like undutifull carriages, the Kings *Majeſty* was removed from His Kingdoms, the foundations of this ancient and well conſtitute Government was overturned, the Liberties and Property of the people inverted; And this Kingdom expoſed to be Captives and Slaves to Strangers, and nothing left unto them but the ſad meditation of their increaſing miſeries, and the bitter remembrance of their by-paſt diſloyalties? Yet even then it pleaſed Almighty GOD to compaſſionat their low condition, and by the power of His own right-hand, moſt miraculouſly to reſtore the Kings moſt Sacred *Majeſty* to the Royal Government of His Kingdoms; And thereby to Redeem this Kingdom from its former Slavery and Bondage, and to reſtore it to its ancient and juſt Priviledges and Freedom. And the Kings *Majeſty* acknowledging, with all humility and thankfulneſs, the Goodneſs, Wiſdom and power of GOD, in this Signal Act of *His* mercy to Him and His people, Doth, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, That in all time comming there be a Solemn yearly Commemoration of the ſame: And for that end, the twenty ninth of *May*, (which day GOD Almighty hath ſpecially honoured and rendred auſpicious to this Kingdom, both by His *Majeſties* Royal Birth, and by His bleſſed Reſtauration to His Government) be for ever ſet apart as a Holy day unto the LORD, and that in all the Churches of the Kingdom, it be imployed in publick Prayers, Preaching,

Preaching, Thanksgiving and Praises to God for so transcendent Mercies: And that all Trade, Merchandize, Work, Handy-labour, and other ordinary imployments be forborn, and the remaining part of the day spent in such lawfull divertisements as are suteable to so Solemn an occasion. And it is hereby recommended to all Ministers of the Gospel, and to all Sheriffs, Justices of Peace, and other publick Ministers in the several Counties, and to all Magistrates within Burghs, to be carefull that for this presant year, and in all time coming, the twenty ninth day of *May*, be accordingly kept and observed within their several Jurisdictions. And for the speedier and more full intimation hereof to all His *Majesties* Subjects, It is Appointed thir Presents be printed, and published at all the Mercat Crosses of the Royal Burroughs.

XVIII.

Act for the due Observation of the Sabbath-day.

THe Kings *Majesty* considering, how much it concerns the honour of GOD, that the Sabbath-day be duly observed, and all abuses thereof restrained: And that notwithstanding of several Acts of Parliament made in that behalf, particularly the third Act of the sixth Parliament of King *James* the sixth of blessed memory, the said day hath been much prophaned by Salmond-fishing, going of Salt-pans, Milnes and Killes, hiring of Shearers, and using of Merchandize on that day and otherwayes. Therefore our Soveraign Lord, with advice and consent of His Estates of Parliament, Ratifies and Approves all former Acts of Parliament, made for observation of the Sabbath-day, and against the breakers thereof; And by these presents Inhibits and Discharges all Salmond-fishing, going of Salt-pans, Milns or Killes; all hiring of Shearers, carrying of Loads, keeping of Mercats, or using any sorts of Merchandize on the said day, and all other prophanation thereof whatsoever, under the pains and penalties following; *viz.* The sum of twenty pounds *Scots* for the going of ilk Salt-pan, Miln or Kill on the said day, to be paid by the Heritors and possessors thereof; and the sum of ten pounds for ilk Shearer and fisher of Salmond on the said day, the one half thereof to be paid by the Hirers and Conducers, and the other halt by the persons hired; and the said sum of ten pounds for every other prophanation of the said Day: And which Fines and Penalties are to be uplifted and disposed of, in manner contained in the Act and Instructions anent the Justices of Peace; and if the Party Offender be not able to pay the penalties foresaid, then to be exemplarly punished in his body, according to the merit of his fault.

XIX.

Act against Swearing and Excessive Drinking.

OUr Soveraign Lord, being desirous that all His Subjects within this Kingdom, may live a quiet and peaceable life under His Government, in all godliness and honesty; And in order thereto, having resolved to curb and surpresse all sort of sin and wickedness, and especially these abominable and so much abounding sins of Drunkenness and all manner of Cursing and Swearing. Therefore our said Soveraign Lord Ratifies and Aproves all Acts of Parliament, made in former times against the said crimes, or either of them. And further Declares, That each person, who shall Blasspheme, Swear or Curse; and whosoever shall Drink into excess, shall be lyable in the pains following, according to the quality of the offenders; *viz.* Each Nobleman in twenty pounds *Scots*, each Barron in twenty Merks, each Gentleman, Heritor or Burgess in ten merks, each Yeoman in fourty shillings, each Servant in twenty shillings *toties quoties*, each Minister in the fifth part of his years Stipend: and that the saids Fines and Penalties be uplifted and disposed upon, in manner contained in the Act and Instructions anent the Justices of Peace. And if the party Offender, be not able to pay the Penalties foresaid, then to be examplarly punished in his body, according to the merit of his fault.

XX.

Act against Cursing and Beating of Parents.

OUr Soveraign Lord, and Estates of Parliament, considering how great and atrocius a crime it is, for Children to beat, or curse their Parents; And how the Law of GOD hath pronounced just sentence of death against such, as shall either of these wayes injure either of their Parents. Therefore, His *Majesty*, with advice of His Estates, Doth hereby Statute and Ordain, That whosoever, Son or Daughter, above the age of sixteen years, not being distracted, shall Beat or Curse either their Father or Mother, shall be put to death without mercy: and such as are within the age of sixteen years, and past the age of pupillarity, to be punished at the arbitrement of the Judge, according to their deservings, that others may hear and fear, and not do the like.

XXI.

XXI.

Act againſt the Crime of Blaſphemy.

OUr Soveraign Lord, and the Eſtates of Parliament conſidering, that hitheto there hath been no Law in this Kingdom, againſt the horrible crime of Blaſphemy. Therefore, His *Majeſty*, with advice of His ſaid Eſtates, Doth hereby Statute and Ordain, That whoſoever hereafter, not being diſtracted in his wits, ſhall rail upon, or curſe GOD, or any of the Perſons of the bleſſed Trinity, ſhall be proceſſed before the chief Juſtice; and being found guilty, ſhall be puniſhed with Death. Likeas, His *Majeſty*, with advice foreſaid, Findes, Statutes and Ordains, That whoſoever hereafter ſhall deny GOD, or any of the perſons of the bleſſed Trinity, and obſtinately continue therein, ſhall be proceſſed, and being found guilty, that they be puniſhed with Death. As alſo, His *Majeſty*, with advice and conſent foreſaid, Declares, That all Perſons who have committed the foreſaid Crimes ſince the ſeventeenth of *February*, one thouſand ſix hundred and fourty nine, ſhall be proceeded againſt according to this Act; and Ratifies all by-gone Decreets and judicial Proceedings, againſt any Perſon committer of the ſaid Crimes ſince the foreſaid date, which have been pronounced and done againſt the ſaids Committers, according to this preſent Act. And Declares, That the pronouncers and executors of the ſaids Sentences ſhall never be queſtioned therefore, in any manner of way, but are, and ſhall be, hereby ſecured, no leſs then if this Act had been of the foreſaid date.

XXII.

Act concerning the ſeveral degrees of Cauſual Homicide.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament,, for removing of all queſtion and doubt that may ariſe hereafter in Criminal purſutes for Slaughter, Statutes and Ordains, That the caſes of Homicide after-following; *viz*, Caſual Homicide, Homicide in lawful defence, and Homicide committed upon Theeves and Robbers breaking houſes in the night; or in caſe of Homicide the time of maſterful Depredation, or in the purſute of denounced or declared Rebels for capital Crimes, or of ſuch who aſſiſt and defend the Rebels and maſterfull Depredators by Armes, and by force oppoſe the purſute and apprehending of them, which ſhall happen to fall out in time comming, nor, any of them, ſhall not be puniſhed by death: And that notwithſtanding of any Laws or Acts of Parliament, or any Practick made heretofore or obſerved in puniſhment of Slaughter; but that the Manſlayer, in any of the caſes aforeſaid, be aſſoilled from any Criminal purſute purſued againſt him for his life, for the ſaid Slaughter, before any Judge Criminal within this Kingdom. Providing alwayes, that in the caſe of Homicide caſual, and of Homicide in defence, notwithſtanding that the ſlayer is by this Act, free from Capital Puniſhment; Yet it ſhall be leiſum to the Criminal Judge, with advice of the Council, to fine him in his means, to the uſe of the defuncts wife and bairns, or neareſt of kin, or to impriſon him. And His *Majeſty*, with advice foreſaid, Declares, that all deciſions given conform to this Act, ſince the thirteenth of *February*, one thouſand ſix hundred and fourty nine years, ſhall be as ſufficient to ſecure all parties intereſſed, as if this preſent Act had been of that date: And that all caſes to be decided by any Judges of this Kingdom, in relation to caſual Homicide, or Homicide in defence, commited at any time heretofore, ſhall be decided as is above expreſſed.

XXIII.

Act Ratifying the Priviledges of the Colledge of Juſtice.

OUr Soveraign Lord conſidering, that nothing is more neceſſary and of more univerſal concernment, then the adminiſtration of Juſtice; and in order thereto, that the Judges, Advocats, Clerks and other Members of the Supream Judicatory, ſhould be faithful, able and qualified perſons; and for their encouragement to ſerve the Countrey in their reſpective ſtations and places, and to undergo the great toil, trouble and expence of time, and otherwayes for inabling them for, and during their ſervice therein, It hath been the wiſedom and practice of all Princes and Nations, and in ſpecial, of His *Majeſties* Royal Progenitors, to grant to them diverſe Liberties and Priviledges, as is evident by many Acts of Parliament and Statutes concerning the Priviledges and Immunities of the Colledge of Juſtice, and Members thereof, Granted, Renewed and Ratified from time to time. There-

fore His *Majesty*, with advice and consent of His Estates of Parliament, Ratifies and Approves all and whatsoever Liberties, Priviledges and Immunities, given and granted by His *Majesties* Royal Predecessors, to, and in favour of, the said Colledge of Justice, and of the Senators, Advocats, Clerks, Writers to the Signet, and remanent Members of the same, or whereof they have been in use and possession in any time by-gone, together with all Laws, Acts of Parliament, Statutes and Constitutions, made and conceived in their favours; Holding and Declaring this present Ratification to be as sufficient as if all the foresaids Priviledges, Freedoms and Immunities, Acts, Statutes and Grants, of, and concerning the same, were in special and at length expreſt herein. And His *Majesty* with advice and consent foresaid, Ordains and Declares, That the whole Priviledges, Liberties and Immunities foresaid, granted and belonging to the ordinary Lords and Senators of the Colledge of Justice, shall be extended, belong and appertain to, and enjoyed by, the Advocats, Clerks, Writers to the Signet, and remanent Members of the said Colledge of Justice, in all time coming, notwithstanding of whatsoever Act, Custome or Practice to the contrare.

XXIV.

Act concerning Appearand Heirs, their payment of their Predecessors and their own Debts.

OUr Soveraign Lord, with advice and consent of the Estates of Parliament, taking into consideration, that Appearand Heirs immediately after their Predecessors death, do frequently dispone their Estate in whole or in part, in prejudice of their Predecessors lawful Creditors, before their death come to their knowledge, or before they can do lawful diligence against the saids Appearand Heirs; and which Dispositions the saids Appearand Heirs do often make before they be served Heirs and Infeft; or otherwayes, by colluſion they suffer their Predecessors Estates to be compriſed or adjudged from them for payment of their own proper Debts, real or simulate, without respect to their Predecessors Creditors. And His *Majesty*, considering how just it is, that every mans own Estate should be first liable to his own Debt, before the Debts contracted by the Appearand Heirs: Therefore, His *Majesty*, with consent foresaid, Declares, That the Creditors of the Defunct shall be preferred to the Creditors of the Appearand Heir in time coming, as to the Defuncts Estate; Providing alwayes, that the Defuncts Creditors do diligence against the Appearand Heir, and the real Estate belonging to the Defunct, within the space of three years after the Defuncts death. And becauſe it were most unreasonable, that the Appearand Heir, when he is served and retoured Heir, and infeft *respective*, should for the full space of three years, be bound up from making Rights and Alienations of his Predecessors Estate; and yet it being as unreasonable that he should dispon thereupon immediatly or shortly after his Predecessors death, in prejudice of his Predecessors Creditors, he having year and day to adviſe whether he will enter Heir or not. Therefore it is hereby Declared, That no Right or Disposition made by the laid Appearand Heir, in so far as may prejudge his Predecessors Creditors, shall be valid, unleſs it be made and granted a full year after the Defuncts death.

XXV.

Act for Denouncing of Excommunicate Persons.

OUr Soveraign Lord, with advice and consent of His Estates of Parliament, considering the insolency of Excommunicate Papists and others, who slight the dreadful Sentence of Excommunication, to the dishonour of GOD, and obduring of their own hearts; Doth therefore ratifie and Approve all Acts of Parliament and Acts of Privy Council, standing before the year one thousand six hundred and fourty, against Excommunicate Persons. And Statutes and Ordains, That in time coming, fourty dayes being past after the said Sentence of Excommunication, Letters be direct at the instance of His *Majesties* Advocate, for denouncing all Excommunicate Persons, His *Majesties* Rebels, and putting them to the Horn, and that by warrand of the Lords of Privy Council or Session: which denounciation being used, by vertue of the saids Letters; at the *Mercat* Cross of *Edinburgh*, and Peir of *Leith*, is hereby Declared, to be sufficient against them, and for using of Caption thereupon, and taking of the Escheat and Liferent of the Rebels conform to the standing Laws of this Kingdom. Providing alwayes, that before the passing of any such Letters of denounciation, the whole Process and Sentence of Excommunication be exhibite and produced before the Lords of Session, in Session-time, to the end, that they may consider the legality of the Process, and grounds whereupon the Sentence proceeded: and that accordingly they may give forth the saids Lerrers of denounciation, as they shall think just and reasonable.

XXVI.

XXVI.

Act appointing the Purſuer of the Thief, to have the Goods ſtolen from him, reſtored.

OUr Soveraign Lord underſtanding, that when Thieves are taken and execute for Theft, or declared Fugitives, their whole Eſtate and the goods ſtolen alſo, doth fall to His *Majeſty* and to Lords of Regalities, and other Juſtitiars pretending right to the ſaids ſtolen goods. For remeed whereof, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That any perſon having goods or gear ſtollen from him, and having purſued the ſtealer thereof, ſhall have his own goods again, where ever the ſame can be apprehended: and where the ſtolen goods cannot be had, the Purſuer of the Thief, ſhall have the juſt value of the goods and gear ſtolen from him, out of the readieſt of the Thiefs goods, with the expences waired out by the Purſuer, he alwayes purſuing the Thief, *uſque ad ſententiam*; Reſerving alwayes to the Sheriff or other Magiſtrates, and taker of the Thief, the expences waired out by them in taking and putting the Thief to execution.

XXVII.

Act for the Pardon of Penal Statutes.

OUr Soveraign Lord conſidering, that the preciſe and rigorous exaction of the Pain, Arbitrary and Pecunial, adjected to Penal Statutes heretofore made, would prove a burden to His *Majeſties* Leiges, heavy and unſupportable, if by His *Majeſties* grace and favour they ſhould not be eaſed and liberate of the ſame. In conſideration whereof, His *Majeſty*, being willing to give eaſe and relief to His Subjects of the foreſaid burden, Hath therefore been graciouſly pleaſed, with conſent of His Eſtates of Parliament, to Diſcharge, freely Pardon and Remit, and by theſe preſents Diſcharges, freely Pardons and Remits, all Contraveeners of any of the ſaids Penal Statutes, for all Deeds done by them, contrair to the tenor of the ſame Statutes, in time by-gone; except only the Statutes concerning the unlawful taking of Uſury, Tranſporting of Silver and Gold, and Slaying of Red and Black Fiſhes, which are no wayes diſcharged by this preſent Act, nor comprehended under the ſame.

XXVIII.

Act diſcharging the Quots of Teſtaments.

OUr Soveraign Lord, with advice and conſent of His Eſtates of Parliament, for many weighty conſiderations moving His *Majeſty*, Statutes and Ordains, That no Quots of Teſtaments, confirmed ſince the ſixteenth of *November*, one thouſand ſix hundred and fourty one, and to be confirmed in time coming, ſhall be exacted from any of His *Majeſties* Leiges by Commiſſars, Commiſſar-Clerks, Fiſcals, and others whom it effeirs; but prejudice alwayes of the ordinary Fies due to them as accords.

XXIX.

Act for Poynding upon Sheriffs and Commiſſars Decreets.

OUr Soveraign Lord and the Eſtates of Parliament, conſidering, That albeit by Act of Parliament, of the date the ninth of *July*, one thouſand ſix hundred and ſix years, Letters of Horning are Ordained to be directed by deliverance of the Lords of Seſſion upon Sheriffs, Commiſſars, and other inferiour Judicatories their Decreets, upon the ſimple Charge therein mentioned: Yet, the Act bears no warrand for Letters of Poynding to be granted by the deliverance foreſaid upon theſe Decreets; whereby the parties intereſſed, obtainers of the Decreets, are oftimes prejudged of their payment, when theſe parties, againſt whom theſe Decreets are obtained, do flit or remove out of the Shire or Juriſdiction of the Judge before whom the ſaids Decreets are given. Therefore His *Majeſty*, with advice of the ſaids Eſtates, ratifies the Act of Parliament above-mentioned, in the whole heads and points thereof: And for remedy of the prejudice foreſaid, Ordains Letters of Poynding to be direct by deliverance of the Lords of Seſſion, at the inſtance of the Parties intereſſed, upon the ſaids Sheriffs, Commiſſars, and other inferiour Judges their Decreets contained in the foreſaid Act. Sicklike, and

in the ſame manner, as Letters of Horning are appointed by the ſaid Act to paſs upon the ſame Decreets, that thereby the Parties may have real execution, as well as perſonal upon their Decreets foreſaids. Likeas, His *Majeſty*, with advice and conſent foreſaid, Declares, That all execution of Poynding, legally uſed upon the ſaids Decreets ſince the twelfth of *June*, one thouſand ſix hundred and fourty nine years, ſhall be valid and ſufficient; and the Parties, Meſſengers and others, Executors and uſers thereof, ſhall never be queſtioned, nor any Proceſs ſuſtained againſt them therefore, either Civilly or Criminally, before any Judge whatſomever; But prejudice alwayes to Parties againſt whom Poynding have been uſed, upon reduceable or unwarrantable Sentences, to purſue repetition as accords of the Law.

XXX.

Act anent the Fewers and Vaſſals of Kirk-lands.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, conſidering, That whereas by the general Surrender of Kirk-lands, and Erections made by the Superiors and Titulars thereof, in favours of His *Majeſties* deareſt Father of ever bleſſed memory; It is ſpecially provided, that the ſaid Superiors and Titulars, notwithſtanding their Surrender foreſaid, ſhall have right to the Few-ferms and Duties of the Vaſſals and Fewers of the ſaid Kirk-lands and Erections, till the Kings *Majeſty* make payment to them of the prices of the ſaids Few-ferms and Duties, modified by the Lords and others of the Commiſſion for Surrenders and Teinds. And ſicklike the Fewers and Vaſſals of the ſaids Kirk-lands and Erections, are oblieged by their new Infeftments under the great Seal, to pay the ſaids Few-ferms and Duties to the Kings *Majeſty* and His Succeſſors; and ſo againſt reaſon may appear to be lyable to double payment thereof: It is therefore Statute and Ordained by His *Majeſty*, with conſent foreſaid, That the ſaids Fewers and Vaſſals of Kirk-lands and Erections, their Heirs and Succeſſors, ſhall be oblieged to make thankful payment of the ſaids Few-ferms and Duties contained in their Infeftments; and whereof the ſaid Superiors and Titulars have been in poſſeſſion preceeding the Surrender foreſaid, to the ſaids Superiors and Titulars, their Heirs and Succeſſors, ay and while they get payment of the prizes modified by the ſaids Lords and others of the Commiſſion foreſaid, according to the Act of Parliament, one thouſand ſix hundred and thirty three years. And that Letters of Horning and Poynding ſhall be granted to that effect, without prejudice alwayes to His *Majeſty*, and His Succeſſors, of the Superiority of the ſaids Fewers and Vaſſals ſurrendred in manner foreſaid, and without prejudice to them of their Infeftments taken to be holden of His *Majeſty* and His Succeſſors. Likeas it is Declared, That the ſaid Fewers and Vaſſals of Kirk-lands and Erections have been, *in bona fide*, in payment of the ſaids Few-ferms and Duties to the ſaids Superiors and Titulars of all times by-gone, according to the proviſions contained in the ſaid general Surrender. It is alwayes provided, that this Act ſhall not be prejudicial to an Act paſt by this Parliament in favours of the Earl of *Lauderdail* of the Lordſhip of *Muſleburgh*, of the date the ninth day of *April* laſt.

XXXI.

Act concerning the Regiſtration of Compriſings.

OUr Soveraign Lord, with conſent of the Eſtates of Parliament, conſidering, that the Regiſtration of Compriſings, was only eſtabliſhed by an Act of Secret Council, and never authorized by any Law, or Act of Parliament, and that the Regiſtration thereof did put the Lieges to unneceſſar charges: neither adding to the validity of the Compriſings, nor to the benefit of the Compriſers: Hath therefore diſcharged, and by theſe preſents diſcharges all Regiſtration of Compriſings, with all Gifts, Acts of Council, and other warrands and Cuſtome whatſomever, granted and obſerved, at any time heretofore thereanent; and by thir preſents Ratifies and approves the Cuſtome obſerved theſe many years paſt; whereby, in place of the ſaid Regiſtration, a ſhort Record of all Compriſings of Lands, Teinds and others, and of the Compriſers names and deſignations, the Defenders names, the Debts for which the Compriſing is deduced, the Meſſengers and Clerks names, the date of the Executions, the Witneſſes names thereto, and of the Superiors of whom the Compriſed Lands are holden, hath been made in a Book by the Clerk of Regiſter and his Deputes, at the allowing of the ſaids Compriſings, (for which Allowance and Recording, there is only fourty ſhillings *Scots* to be paid) and which Cuſtome is very uſeful and neceſſar for information of the Lieges. And therefore His *Majeſty*, with advice and conſent foreſaid, Ratifies and approves the foreſaid Cuſtome, and Ordains all Compriſings formerly deduced and not allowed and recorded in manner above-written, to be brought

brought in to the Clerk of Regiſter and his Deputes, within threeſcore dayes after the publication hereof, and all Compriſings to be led and deduced hereafter, to be brought in to the ſaid Clerk of Regiſter and his Deputes, within threeſcore dayes after the date thereof. With certification, that if they be not allowed and recorded within the ſaid ſpace, any other Compriſing though poſterior in date, yet if it be allowed and recorded before the prior Compriſing, the ſame ſhall have preference according to the date of the Allowance and Record; but prejudice alwayes to any further diligence by Inſeſtments, or charges againſt the Superior, according to the priority or poſteriority thereof, *prout de jure.*

XXXII.

Act concerning Heritable and Moveable Bonds.

OUr Soveraign Lord, with advice and conſent of His Eſtates of Parliament, for many juſt and reaſonable cauſes moving Him, Statutes and Ordains, That all Contracts and Obligations for Sums of money payable to parties at any time, made and dated ſince the ſixteenth day of *November*, one thouſand ſix hundred and fourty one, or to be made in time coming, containing clauſes for payment of Annualrent and Profit, are, and ſhall be, holden and interpret to be Moveable Bonds, except in theſe caſes following; *viz.* That they bear an expreſs obliegement to infeſt, or that they be conceived in favours of Heirs and Aſſignes, ſecluding Executors, in either of which caſes, Ordains the Sums to be Heritable, and to pertain to the Heir; otherwayes to be confirmed by the Executor, and to appertain to the neareſt of Kin, and to the Defuncts Executors and Legators, according to the Law and practick of Moveables, Declaring alwayes, that all ſuch Bonds, *quoad fiſcum*, ſhall remain in the ſame condition as they were before the ſaid ſixteenth of *November*, one thouſand ſix hundred and fourty one, not to fall under the compaſs of ſingle Eſcheat, nor ſhall any part thereof pertain to the Relict, *jure relictæ*, where the Bonds are made to the Husband, nor to the Husband, *jure mariti*, where the Bonds are made to the Wife, unleſs the Relict, or Husband, have otherwayes right and intereſt thereto, Declaring nevertheleſs, that this proviſion ſhall no way prejudge Wife, nor Husband, and their Executors of their reſpective Titles and intereſts to the by-gone Annualrents of the ſaids Bonds, reſting before either of their deaths.

XXXIII.

Act for the right Packing of Salmond.

OUr Soveraign Lord and Eſtates of Parliament, underſtanding, that the Salmond-fiſhings are one of the principal benefits, whereby Trade is maintained, and Money brought into the Kingdom; And that through the evil ordering thereof, both in the inſufficiency of the Barrels, and alſo in the diſloyal packing of the ſame; not only is the Merchants eſtate damnified thereby, but alſo the Nation is diſhonoured abroad, and diſappointed of what ſhould return thereby. Therefore, Our ſaid Soveraign Lord, with advice and conſent of the ſaids Eſtates, Ratifies and Approves all and ſundry Acts of Parliament, Laws and Conſtitutions of this Realm, made anent Salmond-fiſhing, and the ſufficiency of the Barrels, and loyal packing thereof, with this addition, That the whole Coupers within this Kingdom, make the ſaid Salmond Barrels of good and ſufficient new Knappel, for which they ſhall be anſwerable, without wormholes, and white-wood, and of ſufficient tightneſs, for containing the pickle, and ſufficient tightneſſe for enduring all kind of ſtreſs in the handling; and that the Barrels contain no leſs then ten Gallons of the *Stirling* pint, (conform to an Act of His *Majeſties* Council, of the date at *Halyrood-houſe* the fifteenth day of *July*, on thouſand ſix hundred and ninteen years, which His *Majeſty* with conſent foreſaid, Ratifies and Approves, in all the Heads, Clauſes and Articles thereof) under the pain of five pounds, to be paid by the Couper, for each inſufficient Barrel, and eſcheat of the ſaid Barrel, and that the ſame be well pinned in the pickle before the packing; and thereafter the ſaid Barrels to be well tighted and double girthed before the tranſporting thereof to Forraign Nations. And that no Barrel be ſooner made and blown, but the Coupers Birn be ſet thereon, on the tapone-ſtaff thereof, in teſtimony of the ſufficiency of the Tree; and that every Couper be anſwerable and liable in payment of ſuch loſs as happen to be laid on the Fiſh at the Mercat, if it be found to be in the default of the Couper by the inſufficiency of the Tree, or packing, or any other means in the Coupers default, and that they keep right gage, both in the length of the ſtaves, the bilg-girth, the wideneſs of the head, & deepneſs of the chine; the Barrel being made, marked,

and thrice gene in the packing, ſhall be marked with the Marking-iron, under a very particular Merchant mark, as uſe is. And that no Burgh, or any other trading with Salmond, ſhall preſume to counterfeit the Mark of Birn of another Trade, under the pain of confiſcation of the Salmond, by and attour the puniſhment of the parties counterfeiters, at the pleaſure of the Judge ordinar; the one half of the ſaid pain to pertain to His *Majeſty*, and the other half to the Burgh ſo wronged, and ordains the Magiſtrates within the Burgh to put this Act to execution.

XXXIV.

Act againſt Clandeſtine and unlawful Marriages.

OUr Soveraign Lord, and the Eſtates of this preſent Parliament, conſidering how neceſſary it is, that no Marriage be celebrate, but according to the laudable order and conſtitution of this Kirk; and by ſuch perſons, as are by the Authority of this Kirk warranted to celebrate the ſame. And that notwithſtanding hereof, ſundry, either out of diſaffection to the Religion preſently profeſſed in this Kingdom, or being deſirous to eſchew the Cenſures of this Kirk, or to ſatisfie their promiſe of Marriage formerly made to others, or to decline the concurrence and conſent of their Parents or others having intereſt, or out of ſome other unlawful pretext, do procure themſelves to be Married, and are Married either in a Clandeſtine way, contrary to the eſtabliſhed order of the Kirk, or by Jeſuits, Prieſts, Depoſed or Suſpended Miniſters, or any other not authorized by this Kirk. Therefore His *Majeſty*, with advice of His ſaids Eſtates, Statutes and Ordains, that whatſoever perſon or perſons, ſhall hereafter Marry or procure themſelves to be Married in a Clandeſtine and inorderly way, or by Jeſuits, Prieſts, or any other not authorized by this Kirk; that they ſhall be impriſoned for three moneths, and beſide their ſaid impriſonment ſhall pay, Each Nobleman, one thouſand pounds *Scots*; each Barron and landed Gentleman, one thouſand merks; each Gentleman and Burgeſs, five hundred pounds; each other perſon, one hundred merks; and that they ſhall remain in Priſon, ay and while they make payment of theſe *reſpective* penalties above-mentioned, which are hereby ordained, to be applyed to Pious uſes, within the ſeveral Paroches where the ſaids perſons dwels. And that the Celebrator of ſuch Marriages be baniſhed the kingdom, never to return therein, under the pain of Death. Likeas His *Majeſty*, with advice foreſaid, Prohibites and Diſcharges all men and women, having both their otdinar reſidence within this Kingdom, to get Marriage to themſelves with others within the Kingdom of *England*, or *Ireland*, without Proclamation of Banns here in *Scotland*, and againſt the Order and Conſtitution of this Church, or Kingdom, under the pains following, *viz.* For each Nobleman ſo Married, one thouſand pounds; for each landed Gentleman, one thouſand merks; for each Burgeſs, five hundred pounds; and for each other Subſtantious perſon, five hundred merks; for an Yeoman, one hundred pounds; for each perſon of inferior quality, one hundred merks; the one half of the which penalties, ſhall belong to the Kings *Majeſty*, the other to the Paroch, or Paroches where the Married Parties did reſide; and Ordains His *Majeſties* Advocat, and the Procurator for the Kirk, to purſue before the civil Judge, the Parties Contraveeners of this Act, or either part thereof, for payment of the penalties *reſpective* above-mentioned; and in caſe of the poor condition of any man, Married in manner foreſaid, Ordains him to be puniſhed with Stocks and Irons: which pains corporal and pecunial, ſhall no wayes be prejudicial to, or derogat from, the Order and Cenſures of the Kirks, to be inflicted againſt the Delinquents.

XXXV.

Act concerning the Election and Charges of the Commiſſioners from Shires to the Parliament.

THe Kings *Majeſty* conſidering, That divers debates have formerly occurred, concerning the perſons who ought and ſhould have vote in the Election of Commiſſioners from the ſeveral Shires of this Kingdom to Parliament, and who are capable to be Commiſſioners to Parliaments, and that it is neceſſar for the good of His ſervice, that the ſame be cleared for the future, Doth therefore, with advice and conſent of His Eſtates of Parliament Statute, Enact and Declare, That beſide all Heritors who hold a fourty ſhillings Land of the Kings *Majeſty in capite*; that alſo all Heritors, Liferenters and Wodſetters holding of the King, and others who held their Lands formerly of the Biſhops or Abbots, and now hold of the King, and whoſe yearly Rent doth amount to ten Chalders of victual

victual or one thouſand pounds (all Few Duties being deducted) ſhall be, and are capable to vote in the Election of Commiſſioners of Parliaments, and to be elected Commiſſioners to Parliaments; excepting alwayes from this Act all Noblemen and their Vaſſals. And it being juſt, that thoſe who ſhall be choſen and accordingly ſhall attend His *Majeſties* and the Kingdoms ſervice in Parliaments, have allowance for their charges; His *Majeſty* doth therefore, with advice foreſaid, Modifie and Appoint five pounds *Scots* of daily allowance to every Commiſſioner from any Shire, including the firſt and laſt dayes of the Parliament, together with eight dayes for their comming, and as much for their return, from the furtheſt Shires of *Caithneß* and *Sutherland*; and proportionably at nearer diſtances; and that the whole Free-holders, Heritors and Liferenters, holding of the King and Prince, ſhall according to the proportion of their Lands and Rents, lying within the Shire, be lyable and oblieged in the payment of the ſaid allowance, excepting Noblemen and their Vaſſals. For payment of which, all execution of Horning, Poynding and Quartering is to paſſe, as for raiſing of the Exciſe, and that according as the time and dayes of the Parliament ſhall be atteſted under the Clerk of Regiſters hand. And becauſe at this time, ſome Commiſſioners of Shires have been put to extraordinary expences in providing of Footmantles for the riding of the Parliament; It is hereby Statute, That the Commiſſioners ſhall be relieved of the prices thereof, to be given in under their hands; and that the prices of the Footmantles be raiſed in the ſame way and by the ſame execution, with the daily allowance aforeſaid; the Commiſſioners alwayes, at the riſing of each Parliament, making the Footmantles forthcoming to the Shire, to be diſpoſed as they ſhall think fit.

XXXVI.

Act anent Preſentation of Miniſters.

FOraſmuch as the Kings moſt Excellent *Majeſty*, conſidering how neceſſar it is for the right and orderly adminiſtration of GOD's Worſhip, and the exerciſes of Religion, and for keeping of His good Subjects within their duties they owe to GOD, to His *Majeſty*, to their Native Countrey, and fellow Subjects, eſpecially at this time after ſo many confuſions and diſtractions, both among Church-men and others; That more then ordinary care be had in preſenting of Miniſters to all ſuch Kirks as are, or ſhall be vacand within this Kingdom; hath given particular Commiſſion under His great Seal, as to all Preſentations to all Perſonages, Vicarages, and other Benefices and Kirks at His *Majeſties* preſentation. And as to all other Benefices and Kirks, whereof the preſentation belongs to any other Patron or Patrons whatſoever, His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, That all Patrons or Perſons whatſoever, who hath, or pretends any right to the Preſentations to any Patronages, Vicarages, or other Benefices of Cure, Kirks or modified Stipends; be careful in all time coming, that Preſentations to theſe Benefices, Kirks or Stipends, be granted by them to ſuch perſons only, as ſhall give ſufficient evidence of their Piety, Loyalty, Literature and peaceable Diſpoſition; And ſhall, in preſence of the Patron or his Atturney, and of the Sheriff of the Shire, Stewart of the Stewartry, or heretable Baily or Commiſſar of the bounds, if it be in the Countrey, and of the Magiſtrates of the Burroughs within the Burgh, before the granting and their accepting the Preſentation, take and ſubſcribe the Oath of Alleagiance, the ſaid Sheriff, Stewart, Baily, Commiſſar and Magiſtrates having firſt taken the Oath themſelves. And it is hereby Declared, That if any perſon who hath not ſo taken the Oath of Alleagiance, ſhall be preſented by any Patron, not only ſhall the Preſentation be void and null of it ſelf, but the right of the Patronage, as to that vacancy, ſhall belong to the Kings *Majeſty*, and the Patrons be repute diſaffected to His *Majeſties* Government; and contemners of His Royal Authority. And Ordains thir preſents to be printed and publiſhed at the Mercat Croſſes; that none pretend ignorance.

XXXVII.

Act concerning the Bullion.

OUr Soveraign Lord, with advice of the Eſtates of Parliament, now preſently conveened by His *Majeſties* ſpecial Authority, conſidering how much the penury and ſcarcety of His *Majeſties* Coyn here in *Scotland*, is occaſioned by the meanneſſe and ſmalneſſe of the proportion of Bullion at firſt impoſed, never heretofore conſiderably augmented; notwithſtanding His *Majeſties* Cuſtomes have been ſeveral times augmented, Enacts Statutes and Ordains, That all Commodities lyable in paiment of Bullion, ſhall pay according to the Rates menrioned in the Alphabet of Bullion after-following, as the ſame is now augmented and condeſcended upon. Which Alphabet of Bullion, His *Majeſty* with advice foreſaid, Ordains to be printed and publiſhed. And to prevent all abuſe and prejudice to the ſaid Mint, that may occur and fall out by the Cuſtomers exacting of His *Majeſties*, and His predeceſſors, their own Coyn from the Merchants exporters of the Commodities lyable in paiment of the quantities of Bullion, as is aforeſaid, or elſe exacting ſo much *per* ounce of the ſaid Merchant exporter, to the great prejudice and utter deſtruction of the ſaid Mint, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that every Fermerer, or Cuſtomer, within this His *Majeſties* Kingdom, ſhall by the advice and concurrence of the ſeveral Clerks of Cocquet, cauſe all and every Merchant, (whether Native or Forraigner) exporter of the Commodities lyable in paiment of the quantities of *B*ullion, ſet down in the aforeſaid Alphabet of Bullion condeſcended upon, and agreed to, as the ſame is now augmented and Ordained to be printed and publiſhed, find ſicker Surety and Caution, or give Pledges that he may anſwer for, that Bullion equivalent in proportion to the quantity of the goods exported, be delivered to the Officers of His *Majeſties* Mint, (and that of Forraign Bullion) either Plate or burnt Silver, twelve Denier fine, and being baſer, to be conſidered by weight and reckoning, and the ſaid Surety, or Pledges, to be taken before the ſaid Merchant receive his Cocquet, Tranſire or other Warrand whatſoever, for exporting the ſaids goods lyable in paiment of the quantities of Bullion, as it is aforeſaid; and Prohibites and Diſcharges all and every of the ſaids Cuſtomers, and Clerks of Cocquet within this *K*ingdom, to exact or receceive any of His *Majeſties*, or His Predeceſſors, Coyns or any other ſatisfaction whatſoever; except the ſaid Forraign Bullion at the fineneſs aforeſaid, and that not only under the pain of deprivation of their Offices, but alſo of puniſhing their perſons, and fining of them in their goods, by the appointment and at the diſcretion of the Lords of His *Majeſties* Secret Council; and to the effect any ſuch colluſion or tranſaction may be diſcovered, His *Majeſty*, with advice foreſaid, Statutes and Ordains, that each perſon delating or diſcovering any ſuch colluſion, or tranſaction, as is aforeſaid, ſhall receive and have paid to him, the third part of the value of the Bullion, that was due to have been paid by the Merchant exporter, but prejudice of the certification foreſaid. As alſo, it is Statute and Ordained, That the ſaids Cuſtomers, their Accounts be controlled upon the quantity of Bullion delivered to the ſaids Officers of His *Majeſties* Mint, according to their Letters of receit thereof; and what reſts not delivered, that the Cuſtomers be anſwerable therefore; and that the ſaids Cuſtomers, grant a convenient time for home-bringing of the ſaid Bullion, correſpondent to the diſtance of the port, at which the goods exported are to be delivered; the longeſt time not exceeding ſeven moneths. And in like manner, it is Statute and Ordained, That the Alphabet of Bullion, as the ſame is now eſtabliſhed and appointed to be printed and publiſhed, be of full force from the date of thir preſents. And that all Commodities exported after the ſaid day, be lyable to the ſeveral proportions of Bullion therein contained; notwithſtanding of any Act or Acts, made or to be made, in this preſent Parliament, in favours of any Manufacturies, Companies of Fiſhing or Trade, or other Acts whatſoever; which are hereby Declared, not to impede the payment of Bullion, augmented in manner foreſaid.

Follows the A, B, C. *of Bullion, as it is now eſtabliſhed by our Soveraign Lord and Eſtates of Parliament.*

A	*Bullion. Silver, twelve Denier fine.*
Aſhes, Pot-aſhess, Wood, or Soap-aſhes, the laſt	four ounces.
Aquavitæ, the barrel containing ten gallons	two onnces.
Alum, ilk two hundred weight	two ounces.
Anniz-ſeeds, ilk hundred weight	two ounces.
Apples, ilk two bolls, or ilk four barrels	two ounces.

B

Bullion.

Silver, twelve Denier fine.

B

Barrel-ſtaves the thouſand — two ounces.
Bear, every four bolls half boll — two ounces.
Beef, ilk three barrels — two ounces.
Beans, every four bolls half boll — two ounces.
Bear, called drinking bear, the tunne — four ounces.
Bell-mettal, the hundred weight — two ounces.
Bullets, four thouſand — two ounces.
Bird-lime, ilk thre hundred weight — two ounces.
Braſs, ilk two hundred weight, or barrel — two ounces.
Bridles, the groce, or twelve dozen — two ounces.
Brazile, ilk two hundred weight — two ounces.
Butter { good, ilk two barrels — two ounces
corrupt, or *Orkney* Butter, ilk three barrels — two ounces.
Bridle-bits, the groce, or twelve dozen — two ounces.
Baſkes, ilk five hundred weight - - - - - - - - - - - two ounces.
Boots, ilk thirty pair - - - - - - - - - - - two ounces.
Buckram, ilk hundred ells - - - - - - - - - two ounces.
Bank, ilk eight bolls - - - - - - - - - - two ounces.

C

Cables, ilk five hundred weight - - - - - - two ounces.
Cable-yarn, ilk thouſand weight - - - - - - two ounces.
Cards { New Woolen Cards, ſix dozen - - - - - - two ounces.
Old Woolen Cards, ilk twelve dozen - - - - - two ounces.
Stock Cards, every four dozen - - - - - - two ounces.
Cards called playing Cards, every three groce, or thirty ſix dozen - - - two onnces.
Cheeſe, ilk five hundred weight - - - - - - - two ounces.
Coals, every four chalders - - - - - - - - two ounces.
Cordages, tarred or untarred, ilk five hundred weight - - - - two ounces.
Corballs of Oak, ilk twenty pieces - - - - - - - two ounces.
Copper, ilk thouſand weight - - - - - - - four ounces.
Cloath of all ſorts, Linnen and Woolen, ilk hundred ells - - - - two ounces.
Copperas, Ilk hundred weight - - - - - - - two ounces.
Cuſhons, called ſewed Cuſhons of all ſorts, ilk twelve dozen - - - - two ounces.
Cambrick, ilk hundred ells - - - - : : : : four ounces.

D

Deals of all ſorts, the hundred .. .. two ounces.
Dornick, ilk hundred ells .. .. two ounces.

E

Eggs, ilk three Barrels .. .. two ounces.

F

Flocks, the thouſand weight .. .. two ounces.
Fuſtians, ilk three pieces .. .. two ounces.
Feathers for Beds, ilk three hundred weight .. .. two ounces.
Flower, ilk four Bolls .. .. two ounces.

G

Glew, ilk five hundred weight .. .. two ounces.
Gloves, ilk ſix groce .. .. two ounces.
Grograins of *Scots* making, ilk four pieces. .. .. two ounces.
Galls, ilk hundred weight .. .. - two ounces.
Girdles, ilk hundred .. .. - three ounces.
Ginger, ilk hundred weight .. .. - two ounces.
Glaſſes, called drinking Glaſſes, and Glaſs Bottels, ilk twelve dozen .. .. one ounce.
Glaſs, called Window Glaſs, ilk three Cheſts .. .. .. - two ounces.

Bullion.
Silver, twelve Denier fine.

H

Hemp-ſeed, ilk ſix barrels — two ounces.
Hemp, of all ſorts, ilk eight hundred weight — two ounces.
Herrings, White Herrings, ilk ſix barrels — two ounces.
Herrings, Red Herrings, ilk five thouſand — two ounces.
Halberts ungilt, ilk three dozen — two ounces.
Hides of all ſorts, ilk three dacker — two ounces.
Hoſe, Hoſe, Bonnets and Socks, of Wool, made in *Leith-wynde*, *Dundee* and other places in this Kingdom, ilk five hundred pair — two ounces.
Honey, ilk three barrels — two ounces.
Hornes, Buck-hornes, ilk five hundred — two ounces.
Hornes, Hart-hornes, ilk three hundred — two ounces.
Hornes, Oxen-hornes, ilk two thouſand — two ounces.
Hornes, Ram, or Sheep-hornes, ilk five thouſand — two ounces.
Horſes or Mears, ilk two thereof — two ounces.
Horſes tails, ilk three hundred — two ounces.
Hooks, ilk two groce — two ounces.
Hops, ilk hundred weight — one ounce.
Half-long Skines, ilk ten dacker — two ounces.
Hard Wair, ilk hundred weight — one ounce.
Horſe-ſhoon, ilk hundred gang — two ounces.

I

Jeiſts, of Oak, ilk twenty pieces — two ounces.
Jeiſts, of Fir, fourty pieces — two ounces.
Jedburgh Staves, ilk hundred — two ounces.
Iron, ilk fifty ſtone weight — two ounces.
Iron, ilk three Ship-pound — two ounces.
Iron, ilk laſt — eight ounces.
Iron Pots, ilk three dozen — two ounces.
Iron-Ordnance, ilk four hundred weight — two ounces.
Indigo, ilk hundred weight — three ounces.

K

Kettles, ilk hundred weight — two ounces.
Killing, ilk hundred and one half — two ounces.
Killing, ilk ſix barrels — two ounces.
Knappel of all ſorts, ilk five hundred — two ounces.
Kine, ilk four of them — two ounces.
Knives, ilk twenty dozen — one ounce.
Kombes of all ſorts, ilk hundred dozen — two ounces.

L

Lambs, ilk thirty — two ounces.
Lead, ilk two thouſand weight or fodder — two ounces.
Lead-ore, ilk ſix barrels. — two ounces.
Leather called Wilde Leather, ilk three dacker — two ounces.
Leather called White Leather, ilk four hundred skins — two ounces.
Leather called Leather Points, ilk ten groce — two ounces.
Linning Cloath of all ſorts, ilk hundred ells — two ounces.
Lint-ſeed, ilk three barrels — two ounces.
Lint of all ſorts, ilk eight hundred weight — two ounces.
Ling, ilk hundred and three ſcore — two ounces.
Ling, ilk ſix barrels — two ounces.
Liquoriſe, ilk hundred weight — one ounce.
Lobſters, ilk two hundred — one ounce.
Lint-wheels, ilk twelve dozen — two ounces.
Lemons, ilk barrel of the meaſure of ten gallons — one ounce.

Madder,

Bullion.
Silver, twelve Denier fine.

M

Madder, { cropt-madder, and all other bal-madder, ilk two hundred weight / fat madder, ilk three hundred weight } two ounces.
Malt, every four bolls half boll — two ounces.
Meal, every ſix bolls — two ounces.
Maſts of all ſorts, ilk dozen — two ounces.
Mittons, called woven Mittons, ilk thouſand pair — two ounces.

N

NAils of all ſorts, ilk twenty thouſand — two ounces.
Nuts, ilk eight barrels — two ounces.
Needles of all ſorts, ilk twenty groce, the groce containing twelve dozen — one ounce.
Night-caps, ilk thirty dozen — one ounce.
New-lit, ilk hundred weight — two ounces.

O

OArs of all ſorts, the hundred containing ſix ſcore — two ounces.
Oats, every ſix bols — two ounces.
Oxen, ilk three of them — two ounces
Oyl, ilk ſix barrels — two ounces.
Orchyard-lit, ilk hundred weight — two ounces.
Onions and Onion heads, ilk four barrels — two ounces.
Oiſters, ilk twenty thouſand — one ounce.

P

PAns of Braſs, ilk hundred weight — two ounces.
Pans of Iron, ilk five hundred weight — two ounces.
Paſſments, { of Silk of all ſorts, ilk four pound — two ounces. / of Worſtead or Threed, ilk twenty groce, the groce containing twelve dozen of ells two ounces.
Peaſe, every ſix bolls — two ounces.
Penner and Ink-horns, ilk two groce — two ounces.
Pewter, ilk hundred weight — two ounces.
Piſtols, ilk eight pair — two ounces.
Pitch, great or ſmall bind, ilk four barrels — two ounces.
Points { of Silk, ilk four groce — two ounces. / of Leather, ilk ten groce — two ounces. / of Threed, ilk threeſcore groce — two ounces.
Pots of Braſs, ilk hundred weight — two ounces.
Pots of Iron, ilk three dozen — two ounces.
Powder, ilk hundred weight — two ounces.
Pyp-ſtaves, ilk ſix hundred — two ounces.
Purſes of Leather, ilk four groce — two ounces.
Plaiding, ilk hundred ells — two ounces.
Pepper, ilk hundred weight — two ounces.
Paper, ilk fourty reams — two ounces.
Plaids called wearing Plaids, ilk hundred ells — four ounces.
Phingrim, being a ſort of Plaiding, ilk hundred ells — three ounces.
Prunes, ilk two hundred weight — one ounce.
Pleuch-ſocks and culters, ilk hundred — two ounces.
Pellet-skins, ilk two hundred — one ounce.

R

RIbbands { of Silk, ilk four pound weight — two ounces. / of Worſtead, ilk ten groce — two ounces.
Roſet, ilk three hundred weight — two ounces.
Rye and Rye-meal, ilk ſix bolls — two ounces.
Raſines, ilk hundred weight — one ounce.

Bullion.
Silver, twelve Denier fine.

Roe-skins, ilk hundred — two ounces.
Runds of Cloath, ilk three thousand ells — one ounce.

S

Sail-canvas, ilk two hundred ells — two ounces.
Sack-cloath, ilk two hundred ells — two ounces.
Saddles covered, ilk twenty four — two ounces.
Saddle-stocks, ilk thirty — two ounces.
Soap, ilk six barrels — two ounces.
Salmond, ilk three barrels — two ounces.
Salt, ilk three chalders — two ounces.
Salt-peter, ilk two hundred weight — two ounces.
Sayes, of Scots making, ilk fifty ells — two ounces.
Sayes, of Flanders making, ilk fifty ells — two ounces.
Searges of Scots making, ilk fifty ells — two ounces.
Sheep, ilk twenty of them — two ounces.
Silk of all sorts, ilk four pound weight — two ounces.
Skins, called Calf-skins, ilk three dacker — two ounces.
Skins, called Clipped-skins, ilk fifteen score — two ounces.
Skins, called Cunning-skins, ilk two thousand — two ounces.
Skins, called Fulmert-skins, caled Fitchoes, ten dacker — two ounces.
Skins, called Futfells and Skaldings, ilk thousand — two ounces.
Skins, called Goat-skins, ilk three hundred — two ounces.
Skins, called Kid-skins, ilk thousand — two ounces.
Skins, called Lamb-skins, ilk two thousand — two ounces.
Skins, called Lentron ware, ilk thousand — two ounces.
Skins, called Marikin-skins made in *Scotland*, ilk hundred — two ounces.
Skins, called Mertrick-skins, ilk dacker — two ounces.
Skins, called Otter-skins, ilk two dozen — two ounces.
Skins, called Shorling-skins, ilk two hundred — two ounces.
Skins, called Sealch-skins, ilk twenty dacker — two ounces.
Skins, called Tod-skins, ilk half hundred — two ounces.
Skins, called Veal-skins, ilk four dacker — two ounces.
Skins, called Wool-skins, ilk fifteen score — two ounces.
Skins, called Woolf-skins, ilk two dacker — two ounces.
Sparres, Roof-sparres, ilk hundred — two ounces.
Sparres, Roof-sparres of Oak, ilk twenty — two ounces.
Sparres, Wicker-sparres, ilk thousand — two ounces.
Stulling, every six bolls — two ounces.
Stirrop-irons, ilk ten dozen — two ounces.
Stirrop-leathers, ilk twenty dozen — two ounces.
Sword-blaids, ilk threescore — two ounces.
Swords mounted, ilk twenty — two ounces.
Sword-belts of Leather, ilk twelve dozen — two ounces.
Swine, ilk ten of them — two ounces.
Sugar of all sorts, ilk sixty pound weight — two ounces.
Sythes, ilk threescore of them — two ounces.
Seathes, ilk five hundred thereof — two ounces.
Seathes, ilk six barrels — two ounces.
Shooes, ilk hundred pair — two ounces.
Starch, ilk hundred weight — two ounces.
Slyreland, ilk hundred ells — three ounces.
Sewed Beds the piece — two ounces.
Sulfur, ilk hundred weight — one ounce.

T

Tallow, ilk five hundred weight — two ounces.
Tallow, called *Narves* Tallow, ilk six barrels — two ounces.
Scots Tallow, ilk three barrels — two ounces.
Tar of great and small bind, ilk six barrels — two ounces.
Tyking for beds, ilk hundred ells — two ounces.

Tows,

Bullion.
Silver, twelve Denier fine.

Tows, ilk five hundred weight — two ounces.
Trumps, ilk five hundred — one ounce.
Tobacco, ilk hundred weight — one ounce.
Tobacco-pipes, ilk fourty groce — one ounce.

V

Vails, ilk ten of them — two ounces.
Viniger { of Wine, ilk two tunns — two ounces. / of Bear or Ale, ilk three tunns — two ounces.

W

Wadmoll, ilk two hundred ells — two ounces.
Wainscot of all sorts, ilk thirty of them — two ounces.
Wax, ilk last or fourteen Ship-pounds — four ounces.
Wheat, every four bolls half boll — two ounces.
Whale-shot, ilk two barrels — two ounces.
Worstead yarn for Sewing, ilk twenty pound — two ounces.
Wool, ilk six stone weight — two ounces.
Wines, ilk tun — two ounces.
Wine-sellars, ilk twenty of them — two ounces.
Whingers or Durks, ilk sixty of them — one ounce.

Y

Yarn, { Cable-yarn, ilk eight hundred weight — two ounces. / Cotton-yarn, ilk sixty pound weight — two ounces. / Irish-yarn, ilk three hundred weight — two ounces. / Raw Linning-yarn, Dutch or French, ilk sixty pound — two ounces. / *Scots*-yarn, ilk fifty pound weight — two ounces. / *Spruce* or *Muscovia*-yarn, ilk two hundred weight — two ounces. / Woollen or Bay-yarn, ilk hundred weight — two ounces.

XXXVIII.

Commission and Instructions to the Justices of Peace and Constables.

OUr Soveraign Lord, taking to His Royal consideration, how much the appointing of Justices of Peace and Constables within all the Shires of this Kingdom, under the Reign of His *Majesties* Royal Predecessors, did contribute to the Peace, Quiet and good Government thereof, and to the speedy and impartial execution of Law and Justice to all persons subjected to their jurisdiction and power. Therefore, and for the furtherance of these ends in the future, His *Majesty*, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, That in all time coming, there shall be Justices of His *Majesties* Peace appointed within each several Shire of this Kingdom, to be nominate, from time to time, by His *Majesty* and His Royal Successors: Which Justices of Peace are hereby impowered to administrate Justice, and put His *Majesties* Laws in execution, according to the particular Instructions after-mentioned, *viz.*

The Justices of Peace at their first sitting, shall take the Oath of Alleagiance, and Oath *De fideli administratione*: which at first shall be administrate to them by the Sheriff or his Depute of ilk respective Shire, or in their absence, by the President and Conveener for the time.

Followeth the Oath of Alleagiance.

I *For testification of my faithfull Obedience to my most gracious and redoubted Soveraign,* Charles, *King of Great* Britain, France *and* Ireland, *Defender of the Faith,* &c. *Affirm, testifie and declare, by this my solemn Oath, that I acknowledge my said Soveraign, only Supream Governour of this Kingdom, over all persons, and in all Causes, and that no Forraign Prince, Power or State, nor Person Civil or Ecclesiastick, hath any Jurisdiction, Power or Superiority over the same: And therefore I do utterly renounce and forsake all Forraign Jurisdictions, Powers and Authorities; and shall at my outmost power, defend, assist and maintain His* Majesties *Jurisdiction foresaid against all deadly, and shall never decline His* Majesties *Power nor Jurisdiction, as I shall answer to GOD.*

Followeth

Followeth the Oath *De fideli administratione.*

I *As one of the Commissioners and Justices of Peace, within Shires, according to my knowledge, wit and power, shall do equal Right both to rich and poor, conforme to the Laws, Statutes and Customs of the Land: and that I shall not be of Counsel with any person in any quarrel or matter depending before me; and that I shall every Quarter keep the Sessions, or oftner, as I shall be required, not having any just impediment in the contrair, and shall faithfully and truly discharge my duty as a Justice of His* Majesties *Peace, and shall leave nothing undone that may tend to the preservation of the same: So help me GOD.*

The Justices of Peace, in each respective Shire, shall meet and conveen together, four times in the year, *viz.* On the first Tuesday of *May*, the first Tuesday of *August*, the last Tuesday of *October*, and the first Tuesday of *March*. In which Sessions, they shall administrate Justice to the people in things that are within their Jurisdiction, and punish the guilty, for Faults and Crimes done and Committed in the preceeding Quarter: and by mutual and consunct advice, make and rectifie Ordinances for the Fees of Servants, Shearers in Harvest and other Labouring men, appoint Prices for all Handy-crafts, elect or continue Constables or other Officers, and dispose of the Fines and Mulcts for Paiment of the constables, Clerks and other Officers Fees, and imploy the remnant on such necessary and pious uses, as they shall find most expedient; and shall have power to continue the said Sessions, or to adjourn the same to such dayes and place as shall be most convenient.

And one Justice shall have power upon complaint of any person, being threatned and fearing to be wronged, to bind the party complained upon, under such a pecunial sum to keep the Peace, as he shall think fitting: As also to commit him until Surety be found by him, the said Complainer alwayes giving his oath before the Justice, that he hath just cause to dread him harm. And albeit no person complain, yet if the Justice be credibly informed of appearance of trouble betwixt any parties, he shall bind them to the peace in manner foresaid; except the parties declare upon their consciences, that neither of them bear any grudge to other? And all such Bonds shall be kept and Recorded by him, and he shall make delivery of the same to the Clerk of the Peace at the next Sessions, to be kept and registrate by him.

If any person being charged to make his appearance before a Justice of Peace, shall refuse or delay without cause, if the party be a Landed Gentleman, whose Rents exceed ten chalders of victual, or one thousand Merks of silver, then the Justice (whose command is contemned) shall inform the same to some of His *Majesties* Privy Council, to the effect, the party of the quality foresaid may be called and fined for his disobedience; and if the disobeyer be of a meaner degree, the Justice of Peace shall hereby have power to command the next Constable, or in absence of a Constable, his own servant, or any other person having a Warrand in writ subscribed by the said Justice of Peace, with assistance of the Country, to bring any such party before him.

If either the Sheriff or Baily shall condemn any person in Blood-wyt; or otherwayes convict him in any pain proper for him to impose, the Justice shall have no power of new to fine that Offender for that offence; but if they shall find him not condignly punished, in regard of the offence committed by him, they shall then inform His *Majesties* Council thereof, that they may take order therewith; and if there be no satisfaction made by the Sheriff or Baily to the Party offended, the Justices may modifie a reasonable satisfaction to the Party offended, he pursuing therefore before them: And if they find the satisfaction decerned by the Sheriff or Baily, in favours of the said party offended, not condign, nor answerable to the offence and wrong sustained, then they shall also inform His *Majesties* Council thereof, that they they may take order therewith as appertaineth.

If either Sheriff or Baily or their Deputes, by colluſion with the Deliquent, shall suffer any person guilty, to be quitted or cleared by an Assize, the Party once declared, is not to be brought further in question before the Justices, but upon their information, the Judges are to be called, censured and severely punished by His *Majesties* Council.

The saids Justices shall hereby have power to proceed upon all persons committing Riots, and breaking the Kings Peace under the degree of Noblemen, Prelats, Councellors and Senators of the College of Justice, and to punish and fine according to the quality of the Crime, and the Estate of the Offender. And if any of the saids persons, being Charged to compear before the saids Justices, shall disobey, the Summons being indorsed, the lawfull Citation verified, and Fact proven, the Justices shall punish and fine the not compearing, according to the quality of the Crime and Estate of the Offender. And for the more clear determination of the order which shall be kept by the saids

Commissioners

Commiſſioners, in the deducing of any ſuch proceſs, Our Soveraign Lord, with advice of His Eſtates, Declareth, That it ſhall be lawful to the ſaids Juſtices, whenſoever they have any occaſion to move any action againſt Parties, for commiting any like Fact or Riot, to refer the firſt Summons to the Parties oaths of verity, failzeing of other lawfull probation; who being perſonally ſummoned by that firſt Citation, ſhall be holden as confeſt, and Decreet to be pronounced againſt him, conform to the Libell and Summons. And if he be not perſonally ſummoned by the firſt Citation, the ſaids Commiſſioners ſhall be holden to cauſe Summon him of new again, by a ſecond Summons at his dwelling place; which two Citations ſhall be as ſufficient to infer Decreet and Sentence upon the Libell againſt him, as if he were apprehended perſonally. And which Sentence given after the manner and form of probation above-written, His *Majeſty*, with advice foreſaid, Authorizes and Suſtains as good and lawfull in themſelves. And as concerning theſe Perſons of higher degree, the ſaids Commiſſioners ſhall uſe all their power for preventing and ſtaying of the Riots, commanding the attempters in His *Majeſties* Name to ceaſe, and to find Cauion for keeping of the Peace, and for their compearance before His *Majeſties* Council, And if any perſon being charged to find Caution, and refuſe it, or delay to do the ſame, and in the mean time contraveeneth the ſaid Charge, by committing of ſome Deed betwixt the time of the Charge and finding of the Caution, nevertheleſs he ſhall be anſwerable for the pain, from the date of the Charge, likeas if Caution had been then found.

The ſaids Commiſſionrs ſhall put His *Majeſties* Act of Parliament to due and full execution againſt wilfull Beggars and Vagabonds, ſolitary and idle Men and Women without Calling or Trade, lurking in Alehouſes, tyed to no certain ſervices, repute and holden as Vagabonds; and againſt thoſe perſons who are commonly called Ægyptians, and they ſhall puniſh and fine their Reſſetters and Setters of houſes to them accordingly, by ſuch competent pains as is proper for them to enjoyn.

The ſaids Commiſſioners and Juſtices of Peace are hereby authorized and impowered, to give order (as they ſhall think moſt convenient, and with leaſt grief to the Subjects) for mending of all High-wayes and Paſſages, to or from any Mercat-town or Sea-port within that Shire, and ſhall call before them all ſuch perſons as ſhall ſtrait theſe Paſſages (or otherwayes by caſting of Ditches or Fulſies through the ſame) ſhall make theſe High-wayes noiſome and troubleſome unto paſſengers, and ſhall puniſh and fine them according to the quality of thier offence. And to the effect it may be known of what breadth all common High-wayes ſhould be to Mercat-towns, Our Soveraign Lord, With advice foreſaid, Declareth, That the ſame ſhould be of twenty foot of meaſure in breadth at the leaſt, and where any are of larger breadth, they Ordain the ſame ſo to remain unaltered or ſtraitned, and that the ſaids Juſtices maintain the ſame, with all other Wayes from any Town in the Paroch to the Paroch Churches, in the eſtate as they are: And where they find any neceſſity of other Wayes from any Town in the Paroch to Paroch Churches, they ſhall inform His *Majeſties* Secret Council thereof, who ſhall give them (after ſufficient information) their direction thereanent; according whereunto, they ſhall be holden to proceed. And if any perſon refuſe to coucur for mending of High-wayes and Paſſages, the ſaids Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion; with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeverity or rigour as may move juſt complaints againſt them, they ſhall be cenſured therefore by His *Majeſties* Secret Council as apperraineth.

The ſaids Juſtices ſhall put His *Majeſties* Acts of Parliament to execution, againſt Cutters and Deſtroyers of Planting, Green-Wood, Orchards, Gardens, Haynings, Breakers of Dove-houſes and Cunninghares, Stealers of Bees and Bee-hives, uſers of unlawfull Games with Setting Dogs, Slayers of red and black Fiſhes and Smolts, in forbidden time, Foulers fouling in other mens Lands, Makers of Moorburn and Moſſeburn, Setters of Crooes and Nets in Waters and Dames, having, and keeping of Crooes and Yairs in forbidden time, and ſhall proceed againſt them accordingly. And for their better warrand to proceed in the premiſſes, it is His Highneſſe pleaſure, that Commiſſions be granted to the ſaids Juſtices of Peace, to try and puniſh the violators of the ſaids Acts; in the tryal whereof they ſhall proceed by witneſſes, or by oath of Party; and the puniſhment to be inflicted by them, ſhall be a pecunial ſum, anſwerable to the circumſtance of the offence, and quality of the offenders; with ſpecial proviſion, that their Cenſures and Puniſhments ſhall extend againſt none, but thoſe againſt whom by priviledge of their Inſtructions they may lawfully proceed. And alſo with proviſion, that the ſaids Commiſſions be not extended to any perſons, who ſhall be arreſted and conveened for the ſaids crimes, before any other ordinary Judge. It is alſo provided, that the ordinance and power contained in this Article, ſhall no wayes be prejudicial to any other Commiſſions, or Rights whatſoever, granted to other parties, whereby they have power to proceed and cenſure the crimes and offences above-written.

Item,

Item, They ſhall inform the Kings *Majeſties* Council, and His Highneſs Treaſurer, or Advocat, at the leaſt once every year, of Foreſtallers and Regraters of Meitcats, that order may be taken whth them, conform to the Acts of Parliament.

It ſhall not be leaſome to any Hoaſtlar, to reſſet any Maſterleſs Men and Rebels at the Horn, any Vagabonds, or other perſons guilty of known Crimes, or uſing Stouth and Reaf, under the pains underwritten: To wit, fourty ſhillings to be incurred by them for the firſt fault, four pounds for the ſecond, and ten merks for the third; together with the loſing the liberty of Brewing: The incurrers of the which pains, ſhall be puniſhed according to the order foreſaid, by the Barrons and Maſters of the ground whereupon the Hoaſtlar dwelleth, within the ſpace of fifteen dayes after the committing of the Fact; and if the ſaids Barrons and Heritors, neglect to do the ſame, within the ſaid ſpace, it ſhall be lawful to the ſaids Juſtices, to purſue and fine the Delinquents in their Courts, according to the pains foreſaid, and to upliſt the ſame from them; without prejudice alwayes of whatſoever Acts, made againſt the ſaids Hoaſtlars in the Barron Court Books, under whom they dwell, bearing any higher pain, then as is ſet down in this above-written Act, and alſo without prejudice of all Action, Criminal or Civil, competent of the Law, againſt the ſaids Hoaſtlars, in caſe they be under the danger thereof, which ſhall not be taken away by any puniſhment, ſet down, and to be inflicted, conform to this Act.

Item, They ſhall inform the Kings Treaſurer and Advocat, of breakers and contraveeners of the Acts of Parliament, made againſt Malt-makers, that the tranſgreſſors and contraveeners thereof may be puniſhed, conform to the Tenor of the ſaid Acts.

They ſhall ſet down order in the Countrey, for Governance in time of Plague, and ſhall puniſh ſeverly the diſobeyers of the order appointed by them according to the quality of the Delinquent.

They ſhall appoint at the Quarter Seſſions to be kept in *Auguſt* and *February*, the ordinary Hire and Wages of Labourers, Work-men and Servants, and who ſhall refuſe to ſerve upon the price ſet down by them, ſhall be impriſoned, and further Puniſhed at their diſcretion: and to the effect Servants may be the more willing to obey the Ordinances to be made by the ſaids Juſtices, for the ſaids Fees, the ſaids Juſtices ſhall have power to decern, and compel the Maſter to make paiment of the Fees, appointed by their Ordinance, in caſe the Servants pleaſe rather to purſue for the ſame before them then any other Judge.

The ſaids Juſtices ſhall take notice in all Sheriffdoms, where there are any Goals, and Priſon-houſes, within any Burgh, that the ſame be kept up and not ſuffered to decay or become ruinous: and if there be any Shire, where there is not any Goal or Priſon-houſe, they ſhall inform His *Majeſties* Council thereof, that they may appoint and give order for building of one within the Head Burgh of the Shire, and according to the directions to be given thereanent, the Juſtices ſhall be holden to proceed.

And becauſe there be a great many of Priſoners apprehended and committed, who having no means of their own for their maintainance and entertainment, will otherways famiſh and ſtrave before they can come to their tryal, who not the leſſe, in regard of the crimes committed, can no wayes be put under ſurety, or otherwayes, in faults of leſſe conſequence, are unable to find ſufficient Caution to be made forth coming and anſwerable at the next Seſſion; Therefore it ſhall be lawful to the ſaids Commiſſioners and Juſtices, at their Quarter Seſſion, to rate every Paroch for a weekly proportion, for the entertainment of thoſe poor Priſoners; providing they do not exceed the ſum of five ſhillings Scots money at the moſt, nor under one ſhilling at the leaſt; which ſum ſhall be uplifted for that uſe by the Miniſter or Reader who ſhall ſerve at every Paroch, from ſuch Deacons, who ſhall be appointed to collect the ſame; and the ſaids ſums to be delivered by the Conſtable of the Paroch, at the Quarter Seſſions, in preſence of the whole Bench then conveened, to ſuch perſons as the ſaids Juſtices ſhall truſt therewith, and who accordingly, ſhall make due account in paying the Jaylors ſuch rates as ſhall be allowed for the poor Priſoners, and making the reſt forthcoming for ſuch uſe and intent of the like nature, as the ſaids Juſtices ſhall appoint.

All Magiſtrates of Burghs, and keepers of any Goals or Priſons, ſhall receive into their Priſons, all ſuch perſons as either ſhall be brought by Conſtables, or ſent unto them by warrands under the hand of any one Juſtice of Peace, the ſaids Juſtices cauſing ſatisfie for their entertainment; and if any Magiſtrates, or their Jaylors, ſuffer any perſons, commited by the Juſtices to their Priſons, to eſcape, they ſhall be condignly puniſhed therefore, at the diſcretion of His *Majeſties* Counell.

Item, Our Soveraign Lord, with advice foreſaid, Ordains the ſaids Commiſſioners, to ſet a price upon Crafts-mens work, and upon the Ordinars of Penny-Bridals, together with the price of Shearers Fees, and to puniſh the contraveeners, as appertaineth.

They ſhall cauſe ſufficient ſingle and double Ale to be brewed in every Shire, and ſhall appoint Viſitors to that effect, with conſent of the Barron and Over-lord of the ground: They ſhall ſet down Acts againſt notorious and common Drunkards, and impoſe ſums upon the Contraveeners, according to their qualities and deſerts.

Out

Our Soveraign Lord, with advice foresaid, Declareth, That Three Justices of Peace shall be a full number and Session, to decide in matters occuring betwixt the four Quarter Sessions.

Also Declares, that no Letters of Caption ought to be granted against the saids Justices, for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong.

And because there is sensible prejudice seen and felt through many parts of the Kingdome, by reason of diversity of Measures and Weights used in the same. Therefore Our Soveraign Lord, with advice foresaid, for removing of all abuses, which may ensue in any time to come thereby; Hath found expedient, and by this Decreet and Statute of Parliament, Decerns, Statutes and Ordains, That there shall be but one *just* Measure and Weight through all the parts of the Kingdom, which shall universally serve all His Highnesse Lieges, by the which they shall sell and buy, and receive, and give out in all times to come; which Measure, His *Majesty* with advice foresaid, finds should be that Measure of *Linlithgow*, which is now commonly used and which hath been used most customably through the greatest parts of this Kingdom these many years by-past. And for setling a perfit Order, whereby all the Measures that are now used may be reduced to the conformity of the saids Measures now authorized; and for making of proporion answerable betwixt the lesser Measure and Weights, and the greatest. His *Majesty* with advice foresaid, hath granted full Power and Commission to *Alexander Frazer* of *Philorth*, Sir *Gilbert Ramsay* of *Balmayn*, *William Scot* of *Ardross*, *John Murray* of *Touchadam*, Sir *Robert Hepburn* of *Keith*, *James Creightoun* of *Saint Leonards*, Sir *Andrew Ramsay*, Sir *Robert Murray*, Sir *Alexander Wedderburn*, *John Bell*, *William Cunningham*, *Andrew Glen*, Sir *William Thomson*, Whom, or any seven of them, His *Majesty*, with advice foresaid, Ordains to meet and conveen together, at such time and place as they shall think expedient; and to consult and advise together, and to appoint and determine upon the most covenient means; how the said Measures and Weights may be reduced to the conformity foresaid; and after they have ripely advised therewith, and given forth their determination thereanent, they shall deliver the same; and whole course of their proceedings, in the said matter to the Commissioners and Justices of Peace, and to the Deans of Gild of the Head Burghs of the Shires, who shall be holden carefully to do their diligence to see the Measure foresaid, now appointed, to have course through all parts, as well Burgh as Landwart. And that there may be one constant conformity in Head Burgh and Land, Our Soveraign Lord, with advice and consent foresaid, Ordains, that the saids Justices of Peace in Landwart, take tryal of the Measures and Weights used in Burgh, and to take a Note from the Magistrates, and Deans of Gild of every Town, of the Weights and Measures, and of the number thereof which the saids Magistrates and Deans of Gild in Burgh, shall be holden to shew, declare and give up to them, to the effect the saids Justices to Landwart, may confer the same with the Standard now authorized; and where they find any disconformity in the same, from the saids Standard, the saids Justices shall inform the Kings *Majesties* Council thereof, that they may take order therewith as appertaineth: For it is expresly provided by these presents, that the saids Magistrates in Burgh, shall not be permitted to have or use moe Measures within Towns, then the number to be professed by them, and given up in Writ to the saids Justices to Landwart, as said is: this alwayes being respected, That if the saids Magistrates within Burgh, find any necessity for having any moe Measures then was given up and used by them before, it shall be liceneed to them to make moe Measures, they being answerable and conform to the Standard; and making the saids Justices to Landwart foreseen and acquaint therewith, and declaring the number of the Measures, whereof they find the necessity of use.

The saids Justices shall be holden to give command and direction to their Constables, to apprehend any such person, who shall be found contemptuously to have disobeyed the Censures of the Church, they being lawfully required to do the same.

The saids Justices of Peace, as well to Burgh as Land, shall conveen and be present at the Quarter Sessions of the Shire where the Burgh and Land lyeth, give their Oath to the Bench at their admission, make their Record, and make payment of the Fines intromitted with by them as Justices of Peace of that Shire, to their Collector.

They shall appoint a sufficient Collector for uplifting the Fines and Penalties, which they have power to impose upon an Offender, and are to take Caution of him for making due accompt.

They shall have, during the time of Sessions, for every day of their abode (so it do not exceed the number of three dayes at the most at one time) allowed to every one of them, fourty shillings *Scots* money, daily to be paid and uplifted by the Collector of the Fines; but neither Earl, Lord, Bishop, Privy Councellor, or Sessioner, shall have any allowance; and all such Justices as have the benefit of that allowance, and shall be absent from every ordinary Quarter Sessions, or otherwise when he is required lawfully by the *Custos Rotulorum* to any particular Meeting, shall incur the penalty of fourty pounds *Scots* money, not being lawfully excused, and the excuse allowed by the rest of the Justices there assembled.

The Lords of Session shall direct general and summar Charges of Horning and Poynding, at the instance of the Collector appointed in every Countrey for ingathering all Fines and Penalties

whatſoever incurred, upon a ſimple Charge of fifteen dayes; and no Suſpenſion ſhall be granted thereof, but upon conſignation of the ſums contained in the Sentences, and by finding Caution for paiment of the Charges at the modification of the ſaids Lords.

The ſaids Commiſſioners, at the end of every Quarter Seſſions, ſhall ſend to His *Majeſties* Council, a Catalogue of all ſuch perſons as they have either committed, or otherwayes put under ſurety, with a ſhort Abbreviate of the cauſe thereof; to the effect, that thereupon the Council, as they ſhall think expedient, may return to them againſt their next Seſſion, or the *Cuſtos Rotulorum* in the mean time, their further directions.

The ſaids Juſtices ſhall put in execution, all Acts of Parliament made for puniſhing all perſons whatſoever, who ſhall Curſe or prophanely Swear, or ſhall be Mockers or Reproachers of Piety, or the exerciſe thereof; and ſhall require and levy upon every Offender, the ſeveral penalties following, *viz.* Of a Nobleman twenty pounds: each Barron twenty merks; each Gentleman, Heritor or Burgeſs, ten merks: each Yeoman fourty ſhillings; each Servant twenty ſhillings, *Scots* money; each Miniſter in the fifth part of his years Stipend; without prejudice to other proceedings againſt any ſuch Miniſter for the ſame. And in any of all the caſes before ſpecified in this Inſtruction, the ſaids Juſtices ſhall put in execution all ſuch Laws, as for Corporal puniſhments, have any proviſions mentioned in them for ſuch caſes: And in caſe of the inabilities of the parties Delinquents to pay the ſum mentioned in this Inſtruction, the ſaids Juſtices ſhall put in execution ſuch Laws, as for Corporal puniſhments, have any proviſion mentioned in them for ſuch caſes; and that the Wives Delinquents ſhall be puniſhed according to the quality of their reſpective Husbands, and that their Husbands be lyable for the payment of their Wives Fines reſpectively, in manner above-mentioned, *toties quoties* for each fault: And all others whatſoever, not particularly herein nominate, are to pay in proportion to their reſpective qualities and degrees. And alſo, the ſaids Juſtices are to put in execution, the Acts of Parliament made for the puniſhing of all perſons that ſhall be found guilty of the ſin of Fornication; and that they levy or cauſe to be levied, the ſeveral pecunial ſums therein mentioned, *viz.* For each Nobleman, for the firſt fault four hundred pounds; each Barron two hundred pounds; each other Gentleman and Burgeſs one hundred pounds; every other perſon of inferiour quality ten pounds, *Scots* money; and that theſe penalties ſhall be doubled *toties quoties*, according to the relapſes and degrees of the Offence, and quality of the Offenders. And that the ſaid penalties ſhall be levied, not only of the Man, but alſo of the Woman, according to her quality, and the degree of her offence, the one without prejudice of the other. All and ſundry which penalties ſo to be levied, Are to be diſpoſed of as followeth; To wit, one half to pious uſes in the ſame Paroch where the Offenders live, or the Offence hath been committed, and the other half to be divided in two equal parts, one part whereof to be given to the Informer and Proſecutor, and out of the other half, to ſatisfie the Conſtable, or other perſons who ſhall be imployed for bringing the perſon accuſed to Juſtice, and the remainder to be diſpoſed to pious uſes, or to ſatisfie the Conſtables for their travel and ſervice in other parts of their office, according as the Juſtices ſhall think fit.

That the Juſtices ſhall put the Acts of Parliament in execution, for the puniſhing of all perſons found guilty of the ſin of Drunkenneſs or exceſſive Drinking, eſpecially under the names of Healths, or haunting Taverns or Ale-houſes after ten of the Clock at night, or at any time of the day, except in time of travel, or for ordinary refreſhments. As alſo againſt the keepers of the Taverns or Ale-houſes, that ſhall ſell the drink unto them: Which penalties in the ſaids ſeveral Acts contained, the ſaids Juſtices are to levy, or cauſe to be levied, upon the ſaids Delinquents; and the ſaids penalties are to be diſpoſed of by the ſaids Juſtices, in like-manner as aforeſaid.

The ſaids Juſtices ſhall put in execution, all Acts of Parliament, made againſt ſuch perſons as ſhall Profane the Lords-day, and require or levy the penalties therein contained: which penalties foreſaid, the ſaids Juſtices are to diſpoſe of, in like manner as aforeſaid.

And at what time and whenſoever one ſhall accuſe another perſon or perſons to be guilty of Treaſon, Murder or other Fellony, Blaſphemy, Inceſt, or any other hainous Crimes; in ſuch caſes the ſaid Juſtice or Juſtices, ſhall forthwith cauſe ſuch perſon or perſons to be apprehended, and after inquiry made in the cauſe, the ſaids Juſtice or Juſtices, if they find cauſe, ſhall commit the Offender to priſon, or take ſufficient Bail, if the caſe by the Law be bailable; and ſhall take the information of the Party accuſing upon oath, and bind him to Proſecute, and ſhall take the teſtimony or depoſition of the Witneſſes likewiſe upon oath, and bind them to give in evidence, and ſhall alſo take the Examination of the Party accuſed. All which Recognizances, Informations, Depoſitions and Examinations, the ſaid Juſtice or Juſtices, ſhall certifie to the next Quarter Seſſions, Aſſizes or Criminal Courts reſpectively, to the end the Juſtice may proceed againſt them according to the Law.

And

And if any Nobleman, Barron or Baily, or any in their names, having power, ſhall acclaim the right of jurisdiction to proceed againſt any Delinquent apprehended by a Conſtable for any Capital crime: Then, and in that caſe, any of the Juſtices ſhall receive ſecurity of the ſaid Party, who required the Defender to be delivered to him, that juſtice ſhall be duly miniſtred, and then ſhall cauſe delivery of the ſaid perſon to be made to him; and the ſaid Juſtice of peace, at the next Seſſion, ſhall certifie the whole matter to the Bench; to the effect they may enquire, whether juſtice hath been accordingly miniſtred, and if any fault be found, to advertiſe His *Majeſties* Council, that order may be taken therewith.

The ſaids Juſtices ſhall twice in the year, at the firſt of *December* and the firſt of *June*, take up a liſt of the Poor in every Paroch within Burgh or Land; into which number there ſhall no perſon be received, who are any way able to gain their own living; and to the effect theſe Poor may no longer be neceſſitate to ſeek their living, with ſuch hardſhip and difficulty by ſcandalous vaging as hitherto they have been in uſe of, the Juſtics ſhall appoint two or moe perſons of good fame and quality in every Paroch, to be Overſeers for the Poor in each Paroch aforſaid, and to authorize the ſaids Overſeers to make due tryal and examination of the conditon and number of ſuch Poor, Aged, Sick, Lame and impotent inhabitants of the ſaid Paroch, who (of themſelves) have not to maintain them, nor are able to work for their living, as alſo of all Orphans and other poor Children within the ſaid Paroch, who are left deſtitute of all help: and the ſaids Overſeers are to liſt and inroll all ſuch perſons, and to provide them ſuch a convenient Houſe for their dwelling, either a part or together, as they ſhall judge requiſit; and upon conſideration had, what the neceſſary maintenance will extend to weekly, the ſaids Overſeers are to call for the Collections of the ſaid Paroch, or other Sums appointed for the maintenance of the poor thereof; and the perſons who have the ſaids ſums in their hands, are hereby required to deliver the ſame to the ſaids Overſeers; and their Receipts under their hands, ſhall be their ſufficient Diſcharge: which ſum ſo received, the Overſeers, are to diſpoſe proportionably to the ſeveral poor people aforeſaid, according as they ſhall find their neceſſities to require, and the ſaids Overſeers are to take due tryal of the good behaviour and carriage of the poor perſons, liſted and inrolled as aforeſaid, that if any of them being ſo provided, ſhall go abroad to beg, or otherwayes miſcarry themſelves, or ſhall refuſe, being able, to work any manner of work that they are able to perform; in ſuch caſes, the ſaid Overſeers are to acquaint the ſaid Juſtices therewith, who ſhall appoint ſuch punishments for the firſt fault, as in their judgements they ſhall find requiſit; and if they ſhall continue in ſuch miſcarriages, they are to be holden and repute as Vagabonds, and ſo to be proceeded againſt according to the Law in that caſe provided. And to the end that there may be an exact performance of the premiſſes, the ſaids Juſtices are hereby required, to call before them the ſaids Overſeers once in every ſix months, or oftner if they ſhall think expedient, to give an account upon Oath of the whole Sums received by them, and to produce the Rolls of the ſaid poor, together with an Account of what money they have received any otherwayes, for the uſe of the ſaid poor; and after a due conſideration of the charge, together with the Diſcharge thereof, to approve, allow, or diſ-allow the ſame, as ſhall be found juſt, and the ſaid Juſtices are to take due tryal and examination how the ſaid Overſeers have diſcharged their Truſt; and in caſe of refuſal of any of the ſaids Overſeers, nominat and elected as aforeſaid, to accept the ſaid office, or having accepted, ſhall be found negligent therein, or ſhall refuſe or delay to give an account of their intromiſſions, when required as foreſaid, or to deliver what money ſhall be found reſting in their hands, undiſpoſed of at the end of the year, unto ſuch new Overſeers as ſhall be appointed: in ſuch caſes of the offenders ſhall incur the penalty of twenty pounds *Scots*, to the uſe of the Poor, and ſuffer further Cenſure, at the ſaid Juſtices, at their Quarter Seſſions, upon conſideration had of their fault, ſhall ſee meet to impoſe.

And further, the ſaids Juſtices are hereby impowered aud commanded, to call for an account from theſe who took upon them to exerce that place and office, during the late Uſurpation, of all Fines, Penalties and others, raiſed, exacted or uplifted of any perſons, and to ordain them to deliver and make payment to them of what hath not been by ſufficient order diſpoſed of: in any caſe of any difference ariſing thereupon, that the Juſtices conſult His *Majeſties* Council, who ſhall give their orders therein.

Conſtables.

OUr Soveraign Lord, with advice of His Eſtates, Findes and Declares, that the Conſtables are to be made choiſe of, by the Commiſſioners and Juſtices of Peace, in their Quarter Seſſions, throughout the whole Countrey, two at leaſt in every Paroch, or moe, according their diſcretion, having conſidertion of the quality thereof; In great Towns likewiſe, not being Cities nor free Burghs, they are to appoint a number of Conſtables proportionably to the greatneſſe thereof; but in all Burghs Regall, and free Cities, the Conſtables are to be choſen by the Magiſtrates of the ſame; and they are to endure, and to be changed, from ſix to ſix months.

2. And who ſhall refuſe to accept the Charge, and not to give his Oath for dutifull execution thereof, ſhall be impriſoned, and fined at the diſcretion of the Juſtices of Peace at their next ſitting.

Followeth the Oath to be taken by the Conſtables.

I Do ſwear, that I ſhall faithfully and truly diſcharge the Office of Conſtabulary, within the Paroch of, &c. *induring the time appointed to me, and ſhall not for favour, reſpect, or fear of any man, forbear to do what becometh me in the ſaid Office: and above all things, I ſhall regard the keeping and preſerving, of the Kings* Majeſties *Peace, and ſhall at every Quarter Seſſion and meeting of Juſtices, give true and due information of any breach which hath been made of His* Majeſties *Peace, within the bounds of my Commandment; and ſhall no way hide, cover, nor conceal the ſame, nor any of the proofs and evidences which I can give for the clearing and proving thereof: So help me GOD.*

3. All the Conſtables, or at leaſt one of every Paroch intruſted with power to anſwer for the reſt within the ſaid Paroch, ſhall attend at every Quarter Seſſion; their to give information of all ſuch breaches of the Peace, and other miſedemeanors as have happened within their bounds, ſince the preceeding Seſſions, and have come to their knowledge; and ſhall no way hide, cover, nor conceal the ſame, nor any of the proofs and evidences which they can give for the clearing and proving thereof; and otherwayes to give the Bench further information in any thing wherein they ſhall be required, and to receive from the ſaids Juſtices at the end of the Seſſion, ſuch order and direction, as they ſhall enjoyn and appoint.

4. Every Conſtable, in their reſpective Paroches, ſhall apprehend any ſuſpicious perſons, who are night walkers, and cannot give a good account of themſelves, and carry them to the next Juſtices of Peace, to find Caution for their good behaviour, or otherwiſe be Commited to Priſon; and the ſaid Conſtable, or Conſtables, ſhall ſtay and arreſt all Vagabonds, ſturdy Beggars and Ægyptians, and carry them before ſome Juſtice of Peace, who ſhall take order for their committing to Priſon, or other puniſhments, according to the Statutes of Parliament.

5. Every Conſtable, in their reſpective Paroches, ſhall arreſt all idle perſons, whom they know to have no means to live upon, and will not betake themſelves to any Labour, Trade or Occupation; and ſhall carry them before ſome Juſtices of Peace, who after examination ſhall either commit them to Priſon, or take ſurety of them for their appearance at the next Quarter Seſſion.

6. All Conſtables in their reſpective Paroches, ſhall apprehend every perſon or perſons, that ſhall be guilty and cuplaple of Slaughter, Murther, Theft or any other culpable crime whatſoever, and ſhall require his Neighbours to aſſiſt for ſafe conveying of ſuch perſon ro perſons, or the next Juſtice of Peace who ſhall commit him or them, to take Surety according to the Inſtructions given to the Juſtice of Peace in ſuch like caſes, And if any perſon or perſons, ſhall refuſe or delay to aſſiſt the ſaid Conſtables, in executing his or their offices, ſuch perſons, for refuſing or delaying, ſhall be impriſoned, or otherwiſe puniſhed by the ſaid Juſtices at their Seſſions.

7. All Conſtables ſhall arreſt any perſon not being in His *Majeſties* ſervice, who ſhall be found wearing of Hagbuts, Guns or Piſtols in any ſort, and ſhall carry them before ſome Juſtice of Peace, who is either to take ſecurity for their appearance the next Quarter Seſſion, or commit them priſoners till they do the ſame, unleſſe they be Licenced from the Council, or ſome impowered from them to give ſuch Licences.

8. Upon the appearance of any Fray or Stir betwixt parties, the Conſtable ſhall require the aſſiſtance of his Neighbours, for ſundering of the parties; and if there be any harm done to the Conſtable, or or any of the Aſſiſtance, by them who made the Fray, they ſhall be puniſhed by the Juſtices at the next Seſſion.

9. When any perſon or perſons, have made a Fray, and then flee to an houſe; The Conſtable or Conſtables may follow to the houſe, to open the doors; which if he or ſhe ſhall refuſe, he ſhall take notice of the Maſter or Keeper of the houſe, and require witneſſes thereon; and albeit the Delinquent ſhall flee further, without the bounds of the Conſtables charge, yet may the Conſtable follow and apprehend him in a freſh purſute, and crave concurrence of the Countrey for that effect.

10. The Conſtables in every Paroch, ſhall execute all ſuch Precepts and Warrands as they ſhall from time to time receive from the Juſtics of the Peace.

11. And that the ſaids Conſtables may have ſatisfaction for their travels and pains, Our Soveraign Lord, with advice foreſaid, Ordains the ſaids Juſtices to give up particular Notes in writ, to the Auditors of *His Majeſties* Exchequer, of the Fines in-brought to them, that out thereof, ſuch meaſure and ſatisfaction may be appointed and given to the ſaids Conſtables; and alſo to the Clerks of the Peace as may recompence their travels; wherein if it ſhall be found, that the ſaids Fines ſhall not be ſufficient, the ſaids Lords of His Highneſs Chequer, ſhall appoint ſuch further ſatisfaction to them, as in their diſcretion they ſhall think their labours and diligence do deſerve, and cauſe them be paid

of

of the ſame. And notwitſtanding of this above-written Act, and all the particulars foreſaids, contained in the ſame, Our Soveraign Lord, with advice and conſent of His ſaids Eſtates, Statutes Decerns and Declares, That the erection of the ſaids Commiſſioners and Juſtices of Peace, and grant of Juriſdiction and Priviledges to them, and the making or approbation of the particular Acts above-written, introduced in their favours, or any thing therein contained, ſhall not be in any ſort derogatory or prejudicial to the Rights, Priviledges and Liberties, granted and beſtowed by His *Majeſty* or His Highneſs Royal Predeceſſors of before, to any of His *Majeſties* Subjects, of whatſoever eſtate or quality from the higheſt to the loweſt: But Declares, that the ſaids Rights, Priviledges and Liberties ſhall remain in their own integrity, ſafe, intire, unhurt or unprejudged by the Premiſſes, or any thing expreſt in the ſaids Articles and every one of them, and are holden as eſpecially reſerved and excepted out of the ſame.

9. And leaſt this above-written Reſervation, ſhould ſeem altogether to deſtroy the power granted to the ſaids Juſtices, or ſhould beget controverſie betwixt them and any other having right and liberty of Juriſdiction as ſaid is, Our Soveraign Lord, with advice foreſaid, for removing of all queſtion, which may ariſe betwixt them thereanent, Declares, That it ſhall not be lawfull nor permitted to the ſaids Juſtices, to make any Citation of Parties before their Courts, till the expiring of the ſpace of fifteen dayes after the Committing of the Fact for the which the Committer is to be convened: At the compleat out-running of the which ſpace, if any having Power and Juriſdiction as ſaid is, hath omitted and neglected to uſe and exerce the Priviledge and Liberty of their Right and Power; it ſhall then be lawfull to the ſaids Juſtices to make Citation, and to Proceed againſt the Parties, according to the Power and Authority given to them by His Highneſs, with advice foreſaid and conform to the particular Articles above-written in all points, and no otherwayes.

10. If any Party complain to a Conſtable that he is threatned by another, then ſhall the Conſtable apprehend the Threatner and carry him with the party Complainer before the next Juſtice of Peace, and if he refuſe to go, then ſhall he carry him to Priſon.

11. Which all and ſundry the premiſſes, Our Soveraign Lord, with advice and conſent foreſaid, Ratifies and Approves in all points, in manner as the ſame proports. And gives unto them the ſtrength and force of Acts and Ordinances of Parliament, and Ordains execution to paſs upon the ſame as effeirs.

XXXIX.

Act for the Fiſhings, and Erecting of Companies for Promoving of the ſame.

OUr Soveraign Lord, conſidering the beſt and readieſt means for improving the benefit and advantages which properly belong unto Him, by the Fiſhes which are, or may be taken within the Seas, Channels, Firths and Lochs, adjacent and ſurrounding this His ancient Kingdom. And perceiving the ſame may be of great advantage many wayes, eſpecially in that the ſame Trade will not only be a Nurſery for Sea-faring men, and a ſpeedy occaſion of building Ships for His *Majeſties* and His Subjects uſe, both in Peace and War; But likewiſe will ſet many poor and idle perſons a work, and furniſh the materials of a great native Export, for the continual enriching of His *Majeſties* Kingdoms by a ſure foundation of Trade and Commerce. For which ends, and that the ſaid Trade of Fiſhing may be the more effectually advanced and promoved within this His *Majeſties* ancient Kingdom, His Sacred *Majeſty*, with conſent of His Eſtates now convened in this preſent Parliament, hath Erected, and by the tenour hereof Erects, Creats and Eſtabliſhes, particular Societies and Companies of His *Majeſties* own free born naturalized Inhabitants in *Scotland*; and of all others who ſhall be taken and inrolled in any of the ſame Companies and Societies, and admitted to the priviledges thereof, and ſhall enter themſelves in the ſaid Societies within any Shire or Burgh of this ſaid Kingdom, one or moe, betwixt and the . . day of as the firſt modern Societies and Companies to the effect after-ſpecified, Conſtituting and Creating ſuch perſons who ſhall enter themſelves, and their Succeſſors, in a Body and Incorporation politick, to exerce the Trade under-written. And Ordains that none be accepted therein, except he who ſhall enter the ſum of five hundred merks *Scots*, at leaſt, of Stock, in the ſaid Society. And Wils and Grants, that whoſoever are of the foreſaid Societies or Companies to be Conſtitute, their Heirs or Aſſignes, ſhall enjoy the yearly benefit of the Stock to be given by them, in all time after the in-giving thereof; but to have no power to uplift the Stock, except by conſent of the Company or Council thereof after-ſpecified. Granting and Committing, likeas His *Majeſty*, by the tenour hereof, Gives, Grants and Commits to the ſaids Companies and Societies ſo to be Conſtitute, and to all ſuch whom they or their Succeſſors ſhall admit or receive therein, full power to take and fiſh, Herring and White-fiſh, in all and ſundery Seas, Channels Firths, Rivers, Floods, Lakes, and Lochs of this His *Majeſties* ſaid ancient Kingdom of *Scotland*, and Iſles thereunto belonging, whereſoever Herring or White-fiſh, are, or may be taken and to bring in and disburthen the ſaids Herring and other White-fiſhes, to all and ſundry Ports, Harbours, Shoars; & to lay the ſame on the Land, & to pickle them with Salt, and to dry, and load the ſame in Barrels and Puncheons; and for conſervation of the ſaids Herring and Fiſhes, to build Houſes and little Cottages, and other things neceſſary for the uſe of the ſaid Fiſhing-trade, in whatſoever places ſhall be convenient, upon the paiment of the allowance underwritten, unto the Lord or Maſter of the ground, or otherwiſe, to ſell, uſe and diſpoſe upon the ſaids Herrings and other fiſhes

Fishes, to the Inhabitants, to keep and conserve the same in their Ships and Boats, and to make and prepare them therein, and to carry and transport the same to forraign parts beyond Seas, in Ships and other Vessels belonging to them, or His *Majesties* other Subjects; and to sell, use and dispose thereupon, to such who shall be in friendship and amity with His *Majesty* and His Successors. With power also to the saids Companies and Societies *respective*, to elect and make choice of such of their own number as they shall think fit, for making and framing of Laws, Statutes and Rules, for the right regulating, managing and carrying on of the said Trade of Fishing (the saids Laws being alwayes approven and allowed by the Council of Trade) and to punish transgressors accordingly. And that none be admitted to be Councellors of the saids Societies, except such who shall enter of Stock the Sum of one thousand merks money foresaid, and that they be *Scots-men*, or naturalized Strangers, and Residenters within the said Kingdom. And to the which Council, so to be Nominate and Constitute, the said Companies *respective* shall submit, and to all their Acts, Statutes and Rules, especially, but prejudice of the generality foresaid, to the particular Rules under-written. To wit; First, That none after the erecting and setling of the said Company or Society, may enter or come in but by consent of the Company or the Council thereof, after the said day of next, except they be appointed to be inrolleand taken in by the Council of Trade, to whom any person, in case of exclusion, may make his Address. Secondly, That the return from Forraign places upon the Stock, may be all sold in free Burghs and to free Burgesses within this Kingdom, by the saids Companies or any of them or their Factors, without any previous offer to the Burgh; providing they do not retail by selling less quantities nor five Tun of Wine, or the equivalent in value in other Commodities; and if the Import and Return shall be of less quantities, then and in that case these Commodities shall only be sold in whole sale, without any retail whatsoever. Thirdly, That no Herring or White-fish taken by *Scots-men* in the said Kingdom or Isles thereto belonging, be sold, fresh or salt, to any but to Natives, except by the Companies *respective*: And that no Stranger unnaturalized, shall have any liberty to make and prepare Herrings or White-fish upon the Land, or to make Booths for that effect, under the pain of confiscation of what shall be seized upon, and the double thereof to be exacted of the Seller, except they be free of one of the Companies foresaid. With power also to the said Council, to use and have a Seal and Gage for ilk Company *respective*, wherewith all their Barrels or Puncheons may be marked, and that ilk Barrel of green fish contain twelve gallons, which is to be the ordinar Gage betwixt Buyer and Seller. And also to make use of, and imploy, all and sundry Tolbooths and Warding-houses, where necessity requires, for holding of Courts, warding or punishing of transgressors, the Burghs being alwayes free of the charges of the Prisoners; and further, to depute such of their number as they think fit concerning all businesses and affairs, and to cognosce and determine in all questions and debates relating to the said Trade of Fishing; and to cause execute such Decreets and Sentences as shall be pronounced thereupon: and for that effect, to make choice of Officers and Servants, and to administer Oaths to them, and amongst themselves, for the good of the Trade; and if need be, with power to the said Council, to design certain Judges under them in convenient places, to administer Justice in the matter of the Trade of Fishing allanerly. And Our Soveraign Lord, being most willing to cherish and encourage the foresaids Societies and Companies, in the said Trade, Hath out of His Innate Beneficence and Royal Bounty, Ordained, and by the tenour hereof Decerns and Ordains, that Salt, Cordage, Hemp, Cork, Pitch, Tar, Clapboard, Knaple, Skew-hoops, and Holland Nets, imported for the Trade of Fishing foresaid, by the foresaids Companies *respective*, is, and shall be, free of any Custome or other Imposition whatsoever; and that the Herring and White-fish taken, made or prepared therewith, are and shall be free of any manner of Taxation or burden in the exportation of the same. And also, that all Strangers Fishers, who shall repair to this His *Majesties* ancient Kingdom, and will come and make their residence within the same, shall be naturalized by His *Majesty*, upon the desire and application of any of the saids Councils, and shall be entered Burgesses in any City where they shall reside, and shall be freed of all manner of taxation, for the space of seven years next after their arrival. And further His *Majesty* hath Released and Discharged, and by the tenor hereof *simpliciter* Releases and Discharges, the Teind Herring and Teind Fish, of all such Herring and Fish, which shall be taken by the Boats and Fishers of the saids Companies *respective*, or such who shall be hired by them, in all time hereafter. And also, Exoners and Discharges the Excise Herring due to His *Majesty* (except the Herring of *Dumbar*) for all the dayes, space, years and terms of nine years, next after the date hereof. And in like-manner, His *Majesty* Declares, That all Ale, Beer, Strong-waters, and other provisions for out-reeking of any Vessel for the saids Fishings of the said Companies, is, and shall be, free of all manner of Impositions whatsoever, Commanding hereby the Lords and Masters of the ground, in all places through the said Kingdom where there is Loch or other Fishings, not only to protect, maintain and defend the said Company and Society, and all Masters of Ships, Fishers and others whatsoever, going about the said Trade, and belonging to the respective Companies of Fishing, from all harm, trouble or dammage whatsoever, or else to satisfie and refound their losse and dammage which they shall sustain upon their Land; but also, that they, nor none of them, presume nor take upon hand, to exact

of

or levy, any more from the ſaids Fiſhers, Merchants, or their Servants, belonging to the ſaids Companies, for Ground-leave, but only twelve ſhillings *Scots* for every Laſt; and that in full ſatisfaction of the Saturdayes fiſhing, or any manner of Dues whatſoever. And for the greater encouragement of Merchant-fiſhers, Maſters of Ships and other Veſſels, and their Servants, to attend the ſaid Trade of Fiſhing; His *Majeſty*, by His Soveraign Authority and Prerogative Royal, not only by theſe preſents Declares the Ships, Boats and other Veſſels, with their Furniture, provided for, and in exerciſe of, the ſaid Trade of Fiſhing, no wayes to be Arreſtable by any Creditor, but that the ſame and thoſe that ſhall ſerve therein, ſhall not be preſſed to any publick ſervice, without His *Majeſties* particular Command. And that the Fiſhers, Maſters and Servants, in the ſaids Veſſels, and makers of Herring and White-fiſh, during the whole time of the ſaid Fiſhing, and their imployment therein, ſhall be free from all Actions, and no wayes conveenable before any Judge or Judicatory whatſoever for any cauſe or cauſes Civil, which may be intended againſt them; But alſo by the tenour hereof, Declares the ſaids Fiſhers, Maſters and their Servants above-written, ſhall be free of all Captions, Arreſtments or other Attachments on their perſons, or againſt their Materials and Inſtruments of Fiſhing, during the time and ſeaſon of Fiſhing, they being actually ſerving therein allanerly. And further, that none who ſhall be upon the Council, or any of the Societies of Trade foreſaid, ſhall be lyable to Seſs, Stents or Taxations, for what Stock they have entered or ſhall enter in the ſaids Companies or Societies *reſpective*, or for the benefit and profit ariſing thereby in time coming. And it is hereby Declared, that it ſhall be licent to any of the Council or Societies of the ſaid Trade of Fiſhing *reſpective*, for the good thereof, to dwell and reſide in any part or place of this ſaid Kingdom, albeit they be Burgeſſes in any Burgh Royal, and not thereby loſe their freedom, notwithſtanding of any Act or Acts in the contrair. And in like-manner it is hereby Declared, that no perſon or perſons ſhall have liberty to export Herring or Fiſh, nor uſe or have the Priviledges, Liberties and Immunities above-written, but thoſe that ſhall enter themſelves and be free in one or other of the ſaids Companies and Societies. And finally, it is hereby Statute and Ordained, that thoſe in the ſeveral Shires and Burghs of this Kingdom, who ſhall enter in the ſaids Companies and Societies, conform to the tenour of this preſent Act, ſhall give an account thereof to the Parliament, or His *Majeſties* Council of Trade for the time within after the erection thereof, that the ſame may be Recorded *ad futuram rei memoriam.*

XL.

Act for Erecting of Manufacturies.

OUr Soveraign Lord, conſidering how many great advantages this Kingdom, and the Subjects thereof, may have by the Erecting, Cheriſhing and Maintaining of Manufacturies, thereby keeping in the Countrey great ſums of money, daily exported for bringing in ſuch Commodities as may be made at home, and bringing in money for ſuch Commodities as may be made and wrought within the ſame, and exported to Forraign Nations; beſides that thereby many Poor people and Idle perſons and Vagabonds, will be ſet at work and entertained; whereby vertue will be increaſed and idleneſs curbed and reſtrained. And that upon this account, and for this end, ſeveral Acts have been paſt by His *Majeſties* Royal Predeceſſors, in their Parliaments, Conventions and Councils; and eſpecially the one hundred and thirteenth Act of the ſeventh Parliament, and the two hundred and fifty, and two hundred fifty two Acts of the fifteenth Parliament of King *James* the ſixth, and Acts of Council in the years one thouſand ſix hundred, one thouſand ſix hundred and one, one thouſand ſix hundred and twelve, one thouſand ſix hundred and fourteen, one thouſand ſix hundred and ſixteen, one thouſand ſix hundred and twenty, one thouſand ſix hundred and twenty three, and Acts of Convention, one thouſand ſix hundred twenty five, and one thouſand ſix hundred twenty ſix years. And His *Majeſty*, being reſolved to proſecute what hath been formerly intended, and to give ſuch new encouragements as is neceſſary for advancing of Manufacturies; Hath therefore thought fit, with advice and conſent of His Eſtates of Parliament, hereby to grant to all ſuch perſons as have or ſhall undertake to ſet up any Manufacturies, the Priviledges following, *viz.* If any Stranger ſhall come, or be brought into this Kingdom by Natives, to ſet up Work, and teach his Art in making Cloath, Stuffs, Stockings, Soap, or any other kinde of Manufactury, he ſhall enjoy the benefit of the Law, and all other Priviledges that a Native doth enjoy; with power to erect Manufacturies either in Burgh or Landward as they ſhall think fit, and there to dwell and exerciſe their Trade without any ſtop or trouble.

And

And for their further encouragment, Declares, all Oyl, Dying-ſtuffs, Forraign Wool, Pot-Aſhes or any other materials whatſoever uſefull for Manufacturies, that ſhall be imported, to be free of Cuſtom, Exciſe and other publick Dues; and that all Cloath, Stuffs, Stockings or any other Commodity to be made and exported by them, be free of Cuſtom and Exciſe, for nineteen years after *January*, one thouſand ſix hundred and ſixty two years. And if any Stock ſhall be employed for erecting or entertaining of any Manufacturies of any kind, the ſame is to be free of all publick and private Taxes whatſoever. Likeas all Cuſtomers, Collectors, Farmerers of Cuſtoms or Exiſe, and others, are hereby diſcharged to demand any Cuſtom, Exciſe, or any other Impoſition whatſoever, for ſuch Materials before mentioned and belonging to Manufacturies, as they will be anſwerable. And in regard of the great prejudice to the Kingdom by Exportation of Wool, and Skins with Wool upon them, and of other Native Commodities and Materials fit for Manufacturies; Therefore His *Majeſty*, with advice foreſaid, Doth hereby Diſcharge all and every perſon whatſoever, Native or Stranger, to Export out of this Kingdon any Wool, or Skins with Wool upon them, or Skins of any kind, or any Materials uſefull for Manufacturies, until they be made in work, or put to the beſt avail for the good of the Kingdom; Certifying ſuch as do in the contrair, they ſhall foreſeit ſuch Wool, Skins and other Materials, or the juſt value thereof, the one half to His *Majeſty*, and the other half to the Informer, who ſhall diſcover, apprehend, and proſecute the ſame before His *Majeſties* Exchequer, beſides that the perſons and eſtates of ſuch Contraveeners, ſhall be lyable to ſuch puniſhment and fine for the ſame, as His *Majeſties* Exchequer ſhall appoint. And alſo His *Majeſty*, with advice foreſaid, Diſcharges all Regraters and Foreſtallers of Marcats of Wool, and that no Merchant nor perſon whatſoever, buy and keep up Wool to a dearth, but that they bring the ſame to be ſold in open Mercats, under the pains contained in the Acts of Parliament made againſt Regraters and Forſtallers. And in regard there is much deceit by wrapping up of Wool in the Fleece, by putting ſtones, Sand, and other inſufficient ſtuff in the ſame, It is hereby Declared, that all ſuch Wool ſhall be confiſcat, the one half to His *Majeſties* uſe, and the other half to the uſe of thoſe who ſhall apprehend, diſcover, and purſue the ſame. Likeas His *Majeſty*, for the further incouragement of the ſaids Manufacturies, Doth with advice foreſaid, Diſcharge all Quartering, or Levying of Souldiers upon Manufacturies, or the Maſters thereof; and that no perſon whatſoever entiſe, reſſet, or entertain any of the Servants or Apprentices of the Manufacturies, without conſent of their Maſter, under the Pains contained in the Acts of Parliament againſt Coal-hughers, Salters, and their Reſſetters. And for the further improving of the ſaids Manufacturies, His *Majeſty*, with conſent foreſaid, Doth hereby Impower the Maſters, Erectors, or Entertainers of Manufacturies, to meet by themſelves for making of Ordinances for the good and advancement of their Trade, for the right ordering of their Servants, and for the ſufficiency of their Stuffs, Cloath and others; and chuſe one of the moſt expert of their number for viſiting of their work, that a Mark or Seal may be put upon it, diſtinguiſhing what is ſufficient and what not. And becauſe many things may occur hereafter, which may be neceſſary for advancement of Manufacturies; Therefore His *Majeſty*, with conſent foreſaid, Doth Impower the Lords of His *Majeſties* Privy Council or Exchequer, or ſuch as ſhall be appointed by His *Majeſty*, during this preſent Parliament, or thereafter, to conſider ſuch Overtures as ſhall be offered for the good of Manufacturies; and to make ſuch Orders, and grant ſuch further Liberties and Priviledges to them as they ſhall think juſt. It is alwayes Declared, that it ſhall be free and lawful to His *Majeſties* Treaſurer and Commiſſioners of Exchequer, as they ſhall find cauſe, to grant licence for exporting of Wool and Skins, any thing in this Act to the contrary notwithſtanding.

XLI.

Act for Planting and incloſing of Ground.

OUr Sovetaign Lord, conſidering how many laudable Laws have been made, by His *Majeſties* Royall Progenitors, for Parking and Incloſing of Ground, and Planting of Wood, and for preſerving of the ſame: and finding the great prejudice have followed upon the not dew obſervance of ſo notable and neceſſar Laws. And how expedient, fit and neceſſar it will be, for the good of this His *Majeſties* ancient Kingdom, eſpecially for Shipping and Building, that Timber be Planted; and how advantagious it is for the increaſe of Corns and Cattel, and the ſowing of Lint and Hemp for Manufacturies, that Parking and Incloſings be made. Doth therefore with conſent and advice of His Eſtates of Parliament, Revive the ninth Act of the fourth Parliament of King *James* the firſt, of Bleſſed memory, Entituled, *An Act for Planting of Woods, Forreſts and Orchards*, and all other Acts made for that effect, by His *Majeſty* or any other His Royal Predeceſſors; and Ordains the ſame to be put to execution in time comming, conform to the Tenor thereof, in all points; with this addition. Likeas His *Majeſty* with advice of His ſaids Eſtates of Parliament, Doth hereby Statute and Ordain, that every Heritor, Liferenter, and Wodſetter (according to the qualifications under-

under-written) within His ſaid ancient Kingdom of *Scotland*, with one thouſand pounds of yearly valued Rent, ſhall incloſe four Aikers of Land yearly at leaſt, and plant the ſame about with Trees of Oak, Elme, Aſh, Plain, Sauch or other Timber, at three yards diſtance. And that all other Heritors of greater or leſſe Rent nor the ſaid ſum of one thouſand pounds money foreſaid, do Plant, Incloſe and Ditch yearly, moe or fewer Aikers, according to their reſpective Rents, for the ſpace of ten years next enſuing; and that of ſuch Lands as the Heritors ſhall think moſt fit for Planting and capable for incloſing, to be alſo Planted, Ditched or Incloſed in manner foreſaid; and that the ſaids Heritors begin to Plant, Ditch, and Incloſe, the ſaid ground at the feaſt of *Michaelmeſſe* next to come, and uphold the ſame in time comming. And for the further incouragement of the ſaids Heritors, Wodſetters and Liferenters, to go about the ready obſervance of the ſaid Act, liberty and power is granted to them, at the ſight of the Sheriffs, Stewarts, Lords of Regalities, Barrons, and Juſtices of Peace in their reſpective bounds, to caſt about the High-wayes to their conveniency, providing they do not remove them above two hundred ells upon their whole ground; Excepting alwayes hereirom, Burrough and incorporate Aikers, which are no wayes to be Parked or Incloſed, unleſſe the Heritors thereof ſhall think it meet and expedient, And where there are Liferenters upon Lands, It is hereby Declared, that the ſame ſhall be done upon the equal charges and expences of the Liferenter and Heritor. And in caſe of Proper Wodſets, It is alſo hereby ſpecially Declared, that the ſame ſhall be done by the Wodſetter, and the charges thereof is and ſhall be added to the reverſion, and no wayes redeemable, while they make paiment thereof, as well as of the ſums for which the Lands are Wodſet. And for the better incouragement of Heritors, and for preſerving of the ſaid Planting and Incloſures, It is Statute and Ordained, that whoſoever ſhall cut or break any of the ſaids Trees, (not being the Heritors themſelves) ſhall pay unto the Heritors or perſons wronged, twenty pounds for every Tree: or if he be not able to pay the ſaid twenty pounds, it ſhall be in the power of the party thereby wronged, to make him work ſix weeks, giving him meat and drink allanerly. And further it is Ordained, that whoſoever ſhall break down the Hedges or Dikes of the ſaids Parks or Incloſures, or be found within the ſame, being a ſtranger, ſhall be holden and repute a breaker down thereof, and pay five pounds for every fault; or if he be not able to pay the ſaid five pounds, to work ten dayes to the owner of the ſaids grounds, for meat and drink as ſaid is. And for the greater encouragement of all perſons, who ſhall be vertuouſly enclined to Ditch Incloſe or plant their ground, in manner foreſaid, His *Majeſty*, with conſent above ſpecified, hath Declared, and by thir preſents Declares ſuch parts and portions of their ſaid ground, as ſhall be ſo Incloſed and Planted, to be free of all manner of Land-ſtents, Taxations or Impoſitions, of whatſoever nature, or Quarterings of Horſe in the ſaids Incloſures, for the ſpace of ninteen years, next after the date hereof; and that at the proportioning of the ſaids Burthens, the ſame incloſures ſhall be exempted and made free thereof accordingly. And alſo for the better preſerving of the ſaids Incloſures, and of the Trees and Planting to be ſet about the ſame, It is Statute and Ordained, that ilk Heritor, Tennant and Cottar, keep their Cattel and Goods, out of their neighbours Incloſures at all times, that their Trees, Planting and Ditching, be no wayes Damnified or prejudged, under the penalty of five pounds for ilk contravention, *toties quoties*, to be paid to the party damnified. And further Statutes and Ordains, That where Incloſures fall to be upon the border of any perſons Inheritance, the next adjacent Heritor ſhall be at equal pains and charges in Building, Ditching and Planting that Dike which parteth their Inheritance. And Recommends to all Lords, Sheriffs and Baylies of Regalities, Stewarts or Stewartries, and Juſtices of Peace, Baylies of Burroughs, and other Judges whatſoever, to ſee this Act put in execution, and to grant Proceſſe at the inſtance of the Parties damnified and prejudged, and to ſee them repaired, after the form and tenor of this Act above-written, in all points.

XLII.

Act Eſtabliſhing Companies, and Societies for making Linnen-cloath, Stuffs, &c.

OUr Soveraign Lord, conſidering that all the laudable Laws and Statutes, made by His *Majeſties* Anceſtors, anent Manufacturies, for enriching of His *Majeſties* ancient Kingdom, putting of Poor children, Idle perſons and Vagabonds to work for the maintenance and relief of the Countrey of the burthen of ſuch unprofitable perſons, have been hitherto rendred in-effectual; And that many good ſpirits, having aimed at the publick good, have for want of ſufficient ſtocks, council and aſſiſtance, been cruſhed by ſuch undertakings, Do conceive it neceſſar, to Creat and Erect Companies and Societies for Manufacturies, that what was above the capacity of ſingle perſons, may be carried on by the joynt aſſiſtance, council and means of many. And therefore His *Majeſty*, with advice and conſent of His Eſtates of Parliament, Doth Eſtabliſh particular Societies and Companies, in the perſons of ſuch as ſhall enter themſelves in the ſaids Societies within any Shire or Burgh, one

or moe of this Kingdom; and after their deceaſe, in the perſons of their Succeſſors, (it being alwayes Declared hereby, that not any of them ſhall be repreſented but by one perſon allanerly) or any other who ſhall hit and enter themſelves therein, betwixt and the day of at the firſt modern Societies and Companies for making of Linnen-cloath, Worſtead Stockings, Searges Baiſes Sayes, Cottons, Sempeternums, Caſtilians, Perpetuanaes, and all all other Woollen Stuffs and Cloath; and for their incouragement, and the good of His Highneſs Kingdom; His *Majeſty*, with advice and conſent foreſaid, Prohibits and Diſcharges any of His *Majeſties* Lieges, to carry and tranſport into *Spain*, *Portugal*, *Riſcay*, *Ruſſia*, *France*, or any place beyond Seas, any Linnen-Cloath, Baiſes, Sayes, Cottons, Sempiternums, Caſtilians, Perpetuanaes, or any other Woollen Stuffs or Cloaths, except they be free, and of one of the Societies aforeſaid. And it is hereby Declared, that all Materials imported for the uſe of the ſaids Manufacturies, and that all the ſaids Stuffs or Cloaths, exported by the ſaid Company, ſhall be free of all Cuſtoms, Exciſe, or any other Impoſition whatſoever, for the ſpace of nineteen years after the day of all other Merchants not free in one or other of the ſaids Companies, paying the uſuall Cuſtoms, Exciſe, or any other Impoſitions, for any of the ſaids Commodities Exported by them. As alſo His *Majeſty*, with advice foreſaid, for the good aud incouragement of theſe who ſhall enter themſelves in the ſaids Companies, Doth diſcharge the ſaids Companies *reſpective*, where ever the ſame ſhall be erected, to receive any within the ſame, except theſe who ſhall contribute and bring in, to make up a Stock to the ſaids Manufacturies, the ſum of five hundred merks *Scots*, and doth grant liberty to the ſaids Members of the ſaids Societies *reſpective*, to chooſe and elect a certain number of their own Incorporation and Society, to be a Council for making of Laws, for their better regulating and ordering of the ſaid Company and Manufactury, and things belonging thereto; providing alwayes, that no perſon elected have leſs of Stock, in the ſaid Company or Society, nor one thouſand merks *Scots* money. And that this Pious, Charitable and profitable Deſign, may be no longer fruſtrate, nor poor Childten, Vagabonds or Idle perſons, continue to be burdenſome to their Countrey; It is Statute and Ordained, that there be in each Paroch, one or moe perſons provided and appointed, upon the charges and expences of the Heritors thereof, for inſtructing of the poor Children, Vagabonds and other Idlers, to ſpine and mix Wool, ſpin Worſtead, and knit Stockins. And for the more ſpeedy perfecting of the laudable Deſign and Policy ſo much aimed at by His *Majeſties* Royal Predeceſſors, and now proſecute by His *Majeſty* in His prudence, and condeſcending care for the meaneſt of His Subjects, It is Statute and Ordained, that within moneths after the diſſolving of this preſent Parliament, the Commiſſioners of Shires do conveen the whole Heritors within their reſpective Shires, for electing of ſome of the Heritors within each Paroch, to ſee this preſent Act made effectual, and perſons appointed for inſtructing of the Children and others foreſaid, to ſpine and mix Wool, knit Stockins, and ſpin Worſtead, and to ſee a maintenance ſetled in every paroch upon the ſaids Inſtructers: And within the ſpace of next after the ſaid firſt meeting, that they convocat the perſons elected, within the ſeveral Paroches of the reſpective Shires, to take an account of them and of their care and diligence in the matters aforeſaid; and in caſe they ſhall be found to have failed, that the ſaids Commiſſioners now attending this preſent Parliament, do ſee this preſent Act put in execution after the time aforeſaid, in all the ſaid Paroches where the ſaids perſons elected ſhall be found to have been deficient; and Ordains Magiſtrates of Burghs to be carefull that the ſame be made effectual within their Burghs and Liberties. And in caſe all or any of the ſaids Commiſſioners or Magiſtrates aforeſaid, do fail herein after the foreſaid time, His *Majeſty*, with advice and conſent of the Eſtates aforeſaid, Doth commit the care hereof to the Lords of His *Majeſties* Secret Council, that the Laws may be no longer fruſtrate, nor the Kingdom burdened with Idle perſons, Vagabonds or poor Children. And that Manufacturies may be promoved, and for the encourageing of skilful Artizans to come from abroad, for training up the perſons foreſaids, and working for the uſe of the ſaids Companies, It is hereby Declared, that all ſuch as ſhall be brought home and imployed for the ſaids Companies, ſhall be free to ſet up and work in Burghs and Landwart where the Companies ſhall think fit, without paying any thing whatſoever to any perſon or perſons, under whatſoever colour or pretext for their Freedom; and ſhall be free of Taxes and publick Burdens or Exactions during their lifetime; notwithſtanding of any Law, Statute, Priviledge or Indulgence, made or granted in the contrair by His *Majeſty* or any of His Predeceſſors, in favours of any Commitee, or Incorporation whatſoever, which are all hereby Caſſed, Reſcinded, and Declared void and null, in ſo far as they may be conceived to derogate from the Priviledges and Immunities granted by this preſent Act, in favours of Tradeſ-men, Natives or Srangers, belonging to, or brought home by, the ſaids Companies, for working in the ſaids Manufacturies. And to the end that the foreſaids Stuffs and Cloaths may be more uſeful at home, and have the better vent abroad, His *Majeſty*, with advice foreſaid, doth Prohibit and Diſcharge any Weaver belonging to the ſaids Companies or private Tradſ-men, to make any Searges under the breadth of an ell and a nail; Perpetuanaes and Sempiternums, under the breadth of three quarters and a half, nor no Woolen cloath under an ell and a half broad; under the pain of twenty pounds, to be paid by the Weaver thereof, and the ſaids Stuffs and Cloaths, to be confiſcat, the one half

half to His *Majesties* use, and the other half to the use of the discoverers thereof. Further, His *Majesty*, with advice foresaid, for encouragement of these who shall enter into the saids Companies or Manufacturies, Doth grant to ilk one of the saids Companies all the Priviledges and Immunities that are, or shall be hereafter by the Kings *Majesty* indulged to the Companies or Societies of Fishers, as if the same were herein expresst. Whereanent, His *Majesty*, with consent foresaid, hath dispensed, and hereby dispenses for ever.

XLIII.

Act discharging the exportation of Linnen-yarn, and regulating the breadth of Linnen-cloath, &c.

OUr Soveraign Lord, conceiving it necessary for the good and wel-being of His *Majesties* Subjects, to project and indeavour the improvement of all the Native Commodities of this His *Majesties* ancient Kingdom, and to make Laws and Ordinances, for eviting and preventing of all fraud and deceit used heretofore, in making Sale of the saids Commodities; And considering that it would tend more to the advantage of His *Majesties* Subjects, and promoving of Manufacturies, to restrain the liberty that Merchants have taken to export Linnen-yarn, then suffer them to carry the same unto other places and Kingdoms. Therefore His *Majesty*, with advice and consent of His Estates of Parliament, Discharges any Merchant or others whatsoever, to transport out of this Kingdom any Linnen-yarn, under the pain of Confiscation of the same, the one half to His *Majesties* use, and the other half to the use of the Attacher and Apprehender of the said Yarn; and Statutes and Ordains that all Yarn be sold by weight, and that no Reel be made use of within this Kingdom, under the measure and length of ten quarters, and that under the pain of Confiscation of any Yarn brought to the Mercat of a shorter Reel, the one half to His *Majesties* use, and the other half to the use of the Delaters and Apprehenders of the said Yarn. As also, His *Majesty* considering, that Linnen-cloath is one of the most usefull Commodities of the product of this Kingdom, whereby much money in ancient times was brought home; And that now, to the great prejudice of the said Commodity, the same is brought in contempt abroad, and become hardly vendible, through the deceitfull Making, evil Bleetching, and unequal Breadth thereof; Therefore His *Majesty*, with advice and consent of the saids Estates, doth Discharge and Prohibit all Weavers to make any Linnen-cloath, of the price of ten shillings *Scots* the ell, or above, under the breadth of an ell and two inches, after the first day of *November* next to come, under the pain to be imprisoned, for the space of fourteen dayes, and of twenty pounds *Scots* to be paid for each fault, to Magistrates of Burghs, Sheriffs of Shires, Lords of Regalities, and Barrons within their respective bounds, and of the Confiscation of the same, to the use of the Attachers and Discoverers thereof; and Statutes that all Linnen-cloath be taken up by Selvage, and not by the Rigg, and so to be presented to the Mercat; and that all Linnen-cloath be Bleetched without Lime, under the pain of twenty pounds for each fault, to be paid to the Magistrates foresaid, within their respective bounds. And lastly, it is hereby Declared that all Flax and Linnen-yarn Imported, and all Linnen-cloath Exported, by such as shal enter into the Companies and Manufacturies for making of Linnen-cloath, shall be free of all Custom, and all other Imposition, for the space of fifteen years after the saids Manufacturies shall be established in the persons of such as shall enter themselves in the said Companies, betwixt and the first day of *January* next, conform to another Ordinance of Parliament for establishing the saids Companies.

XLIV.

Act for encouraging of Shipping and Navigation.

OUr Soveraign Lord, considering that the Wealth, Safety and Strength of this Kingdom, are very much concerned, in the increase of Shipping, and incouragement of Trade and Navigation; both which are much decayed, if not wholly ruined, by the late unhappy Wars, and the said effects that have followed thereupon. And perceiving the present low condition of Trade, and the small number of Ships and Sea-men within this Kingdom, Hath thought expedient, out of His Princely zeal for the publick good, with advice and consent of His Estates of Parliament now presently conveened, to Statute and Ordain, and by these presents Statutes and Ordains, that from and after the day of and thence forward, no Goods nor Commodities whatsoever, that are of Forraign growth, Product or Manufacture, which are to be brought into *Scotland*, or any of the Isles thereto belonging, shall be shipped or brought from any other place or places, Countrey or Countries but only from those places where the saids Commodities do grow, are produced or made, or from the Ports where the saids Goods and Commodities commonly are, or usually have

been, first shipped for Transportation, and from no other place or Countrey; and in no other Ships or Vessels, but such as do truly and only belong to His said Kingdom; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same; or at least in such Ships and Vessels, as do truly and only belong unto, and are of the build of, these Kingdoms or Countries where the saids Commodities do grow, are made or produced; and whereof the Master, and three fourth parts of the Mariners, are Natives and Inhabitants within the same. All which is to be verified and attested, under the Seal of the City or place from whence they come, and Oath of the parties to whom the said Ships or Vessels do belong, under the pain of Confiscation of all such Goods as shall be Imported from any other place or Countrey, or in any other Ship or Vessel, contrair to the true intent and meaning of this Act; As also of the Ship in which they shall happen to be imported, with all her Guns, Furniture, Tackle, Ammunition and Apparelling, the one half to His *Majesty*, and the other half to the use of those who shall discover the Contraveeners of this present Act, and pursue for the same before the Lords of His *Majesties* Exchequer. And further it is Statute and Ordained by His *Majesty*, with advice and consent foresaid, that all Goods or Commodities whatsoever, produced or shipped, as is above expresst, which from and after the said day, and thence forward, shall be Imported into this Kingdom, or any Islands thereto belonging, in any Ships or Vessels, that shall not truly and only belong to the Natives and Inhabitants thereof (except in English or Irish Vessels, providing alwayes that *Scots* Vessels, enjoy the like benfit of Trade within the Kingdoms and Dominions of *England* and *Ireland*, and no otherwayes) shall be lyable to double Custome, and pay accordingly, whether the said Goods pertain to Natives or Aliens. And further it is Statute and Ordained, that from and after the said day, and thence forward, all Goods and Commodities whatsoever, belonging to Aliens, Exported or Imported in whatsoever Ships or Vessels, whether Forraign or Scottish, shall be lyable to double Custome and pay accordingly. And it is further Statute and Ordained, that from and after the said day, and thence forward, all Goods or Commodities whatsoever, Exported, in any other Ships or Vessels, then such as do truly and only belong to the Natives and Inhabitants of this Kingdom, shall be lyable to double Custom and pay accordingly, whether the saids Goods appertain to Natives or Aliens. And it is further Enacted and Ordained by His *Majesty*, with advice and consent foresaid, that at and after the said day, and thence forward, all Ships and Vessels belonging to this Kingdom, shall be Navigated only by *Scots-men*, dwelling in *Scotland*, at least the Master and three fourth parts of the same being such, under the pain of being esteemed Forraign Vessels, and paying double Custom, for all the Goods and Commodities, Imported or Exported within the same. And for preventing of all fraud, which may be used in the buying of Forraign Ships, It is Statute and Ordained by His *Majesty*, with consent foresaid, that from, and after, the said day, no Ship whatsoever shall be deemed, or pass as a Ship belonging to *Scotland*, or enjoy the benefit of such a Ship or Vessel, untill such time that he or they, claiming the same to be theirs, shall make appear to the chief Officer or Officers of the Customs at *Leith*, he or they residing in any place betwixt *Berwick* and *Stirling* on the South side of *Forth*, and to the chief Officer or Officers at *Burntisland*, he or they residing in any place betwixt *Stirling* and *Fife-ness* upon the North-side of *Forth*, and in case of their abode in more remote places, to the Officer or Officers of the Port next to the place of his or their abode, that they or he are not Strangers, and shall have taken an Oath before such Officer or Officers, who are hereby authorized to administer the same, that such Ship or Vessel was *bona fide*, and without fraud, bought by him or them, for a valuable consideration, expressing the Sum, Time, Place and Persons, from whom it was bought, and who are his Partners (if he any have) All which Partners shall be lyable to take the said Oath before the chief Officer or Officers of the Customs *respective*, as said is; and that no Forraigner, directly nor indirectly, hath any part, interest or share therein; and that upon such Oaths, he or they shall receive a Certificat under the Hand or Seal of the said chief Officer or Officers of the Port next the abode of the persons so making Oath, whereby such a Ship may for the future passe, and be deemed as a Ship belonging to the said Port, and injoy the Priviledge of such a Ship or Vessel; and the said Officer or Officers, shall keep a Register of all such Certificats, as he or they shall so give, and return a Duplicat thereof to the chief Officers of the Customs at *Leith*, for such as shall be granted in all the other Ports of this Kingdom, together with the names of the person or persons, from whom such Ships were bought, and the sum of money which was paid for the same; as also the names of all such persons as are Partners, if any such be. And it is further Enacted by His *Majesty*, with consent foresaid, that if any Officer of the Customs, shall from and after the said day, allow to any Forraign Ship or Vessel, the priviledges due to a *Scots* Ship, till such Certificat be by them produced, or such Proof and Oath taken before them, or such as they shall appoint to receive the same, and to examine whether the Master and three fourth parts of the Mariners at least be Natives and Inhabitants within this Kingdom; that for the first offence, such Officer or Officers shall be put out of their Offices or Places. And it is further Statute and Ordained, that no

Merchant

Merchants belonging to this Kingdom, ſhall imploy any Alien, or perſon not born within this Nation or naturalized, or made a free Denizen thereof, from and after the ſaid day, as Factor in any place beyond Seas, for the uſe and account of the Merchants of this Kingdom, under pain of a pecuniary Muſct, to be paid by him, or them that ſhall imploy him: which ſum ſhall be impoſed at the diſcretion of the Council of Trade, the one half thereof to His *Majeſty* and Succeſſors, and the other half to him or them that ſhall inform and purſue for the ſame. It is alwayes hereby provided, that this Act, not any Clauſe therein contained, extend not to, or be meaned to reſtrain or prohibit the Importation of any of the Commodities of *Aſia*, *Africa*, or *America*; as alſo of the Commodities of *Muſco* and *Italy*, from ſuch Ports and places, and in ſuch Ships and Veſſels, as may be gotten moſt conveniently, until ſuch time as the Merchants of this Kingdom, have actual Trade to theſe reſpective places; and that the ſame be prohibited by Act of Parliament, Privy Council, or Council of Trade. It is hereby Declared, That it ſhall be lawful to import any ſort of Corns, in time of dearth, from any place or places, in any Ship or Veſſel whatſoever, without being lyable to Confiſcation, double Cuſtom, or any other Penalty contained in this preſent Act; the dearth and neceſſity of import being alwayes cognoſced and declared, by a publick Act of the Privy Council, or Council of Trade.

XLV.

Act diſcharging the Exportation of Skins, Hides, &c.

THe Kings *Majeſty*, conſidering how neceſſar it is, that all former Laws for improving of Native Commodities be Revived; and underſtanding that the Deacons and remnant Tradeſ-men of the Skinners, have upon their own charges, brought from Forraign places, Perfumers, Makers and Preparers of Leather, by whoſe pains and Art, the Kingdom may be furniſhed with Gloves at eaſier Rates, and be able to furniſh other Nations abroad with Made-work; Doth therefore with advice and conſent of the Eſtates of Parliament, Ratifie and Approve the hundred ſeventy eight Act of the thirteenth Parliament of King *James* the ſixth of bleſſed memory, diſcharging the Exportation of Skins and others therein contained; and Ordains the ſame to be put to execution, conform to the tenor thereof in all points. And alſo conſidering how uſeful Goat-skins, Hart, Deer, and other wilde Beaſts Skins might be, if they were prepared and improven by Skinners within the Kingdom; His *Majeſty* doth therefore with advice foreſaid, Diſcharge all Merchants, Tradeſ-men and others, to Tranſport any Calf-skin, Kid-Skin, Hudderon, or Shorling-skins, or any Goat-skins, Hart, Buck, Deer, or any other wilde Beaſts Skins forth of the Kingdom under pain of Confiſcation of the ſame. And for the further encouragement of the Skinner-trade and Manufactury, Licence is hereby given to Export Gloves made within the Kingdom, free of all Cuſtom and Exciſe, for the ſpace of ninteen years after the date hereof; reſerving alwayes to the Lord-Treaſurer and Commiſſioners of Exchequer, to give Licences for Exporting of Skins, as they ſhall find cauſe, after one year from the date hereof.

XLVI.

Act diſcharging Exportation of Wollen-yarn, Worſtead, broken Copper and Pewter, &c.

THe Kings *Majeſty*, conſidering the great prejudice this Kingdom and Manufacturies do receive by the Export of Worſtead, Wollen-yarn, Raw and Unwaked-cloath and Stuffs; and the diſcouragement that Tradeſ-men and Artiſts have by the Export of broken Copper, Braſs and Pewter; Doth therefore, with advice and conſent of His Eſtates of Parliament, Diſcharge all Merchants, Tradeſmen, and others whatſoever, as well Strangers as Natives, upon any colour or pretext whatſoever, to Export forth of this Kingdom any Worſtead, Woollen yarn, Raw or Unwaked-cloaths and Stuffs whatſoever, made within the ſame, (Plaiding excepted) or any broken Copper, Braſs or Pewter, under the pain of Confiſcation of what of any of the particulars above-written ſhall be apprehended in the Exporting; the one half to be applyed for His *Majeſties* uſe, and the other half for the uſe of the apprehender and purſuer of the ſame.

XLVII.

Act discharging Tradesmen to Import Made work.

THe Kings *Majesty*, considering the great discouragement given to Manufacturies and Trades, by Tradesmen's bringing home from Forraign places, such Commodities as may be made within the Kingdom, by these of the same Trade; Doth therefore, with advice and consent of the Estates of Parliament, Inhibit and Discharge all Tradesmen and Mechanicks, to Import from Forraign parts any Made-work belonging to that Trade or Calling whereof they are Free-men; or to vend the same, or any such Ware brought home by Merchants, in their Shops or otherwayes, under the pain of Confiscation, the one half to His *Majesties* use, and the other to the apprehender or pursuer of the same.

XLVIII.

Act for encouraging of Soap-works.

THe Kings most Excellent *Majesty*, considering the great advantage this His ancient Kingdom hath had, and may have by erecting and keeping up of Soap-works, whereby the Eastern Trade and Green-land Fishing will be much helped, by Importing of Pot-ashes and other Materials; and money brought into the Kingdom, by the Exported Soap made within the same; And His *Majesty* being sensible of the prejudice this Kingdom hath suffered during these troubles, by the decay of these works, and being willing to give all due encouragements to the same for the future; Doth therefore, with advice and consent of the Estates of Parliament, Declare all Oyl, Pot-ashes, and other Materials of any kinde whatsoever, to be Imported for the use of Soap-works or making of Soap, and all Soap made within the Countrey, to be free of all Custom and Excise, and all other publick or private Dues whatsoever; and also that all Soap, so made and Exported, shall be free for the space of ninteen years after the setting up of these works, and after the date hereof, for such works as are already set up; and discharges all Customers, Collectors or Fermerers of Excise or Custom, and all others whatsoever to demand Custom, Excise or other Duty, for any Oyl, Pot-ashes, Tallow, or other Materials Imported for making of Soap, or use of Soap-works allanerly, or for Soap made within the Kingdom, and exported as said is.

XLIX.

Act Reducing the Annuals to six for the Hundred.

THe Kings *Majesty*, with advice and consent of the Estates of Parliament, Hath thought fit upon diverse good considerations, to Reduce, Likeas hereby they do Reduce, the Annualrents of all money within this Kingdom, to six for the Hundred yearly, in all time coming. And Declares the said six for the Hundred to be free of all Retention, or other publick Burdens whatsoever.

L.

Act and Offer of Twelve thousand pounds Sterling *to the Lords of Session.*

FOrasmuch as among the many and unparallel'd blessings, wherewith it hath pleased the Almighty GOD to visit these Kingdoms, in the return of His *Majesty* to the exercise of His Royal Government, it is the greatest happinesse of this Kingdom, that the ordinary Judicatories, the fountains and seats of Justice, are by His *Majesty* established, according to their ancient and well grounded Constitutions; And the Estates of Parliament considering, how much it doth import the advancement of His *Majesties* service, the honour of the Kingdom, and the good of the Subjects, that the Senators of the Colledge of Justice (who are the Supream Judges under His *Majesty*, in all civil Causes) should be provided to a competent allowance, towards their charge and expenses, in their attendance on this their publick Administration. And understanding, that by the calling down of the Annualrents from ten to six of the hundred; and by the disability of some Debitors, and by laying aside the twentieth penny of Sentence-silver, (which is conceived to be an unequal burden and grievance to such as must sute the benefit of the Law, and so are lyable thereto, before they can have repetition

tition of it, or recovery of their just Debts) the present yearly allowance to each of them will not exceed one hundred pounds Sterling; which being so mean, and unsuteable to the honour and reputation of that imployment, and to equity and Justice, as to the persons called by His *Majesty* to serve therein; Therefore the Estates of Parliament have thought fit to grant, Like as they do hereby make a free offer and grant of a Taxation of twelve thousand pounds Sterling, towards the making up of a Stock, whereof the Annualrent is to be imployed for the use aforesaid, and to be paid by the Shires and Burghs of the Kingdom; the one half thereof in the moneth of *November* next to come, and the other half in the moneth of *May* thereafter, in the year one thousand six hundred and sixty two years, and to be raised in the same manner, the present or last Impositions are, and have been paid. And in order thereunto, The Kings *Majesty*, with advice and consent of His Estates of Parliament, Doth hereby Statute and Ordain, the said sum of twelve thousand pounds Sterling, to be paid by the Shires and Burghs of the Kingdom, in manner for the use aforesaid, the one half thereof in the moneth of *November*, and the other half in the moneth of *May* next to come; and that the same be brought in and delivered to any, whom the Senators of the College of Justice shall appoint to receive the same; and whose discharge upon the receipt thereof, in whole or in part, shall accordingly be a sufficient exoneration to the Shires and Burghs, and all others whom it effeirs. And the saids moneths of *November* and *May respective*, being past, Ordains Letters of Horning and Poynding, and all other Execution necessar to be directed at his or their instances, against the Shires or Burghs of the Kingdom and their Collectors: And twenty dayes being expired, after either of the saids moneths *respective*, Ordains Quartering to be upon deficient Shires, and Burghs; and that all who command the Forces within the Kingdom, gives orders, and be assisting hereunto accordingly.

LI.

Act concerning Arrestments.

OUr Soveraign Lord, considering the great charges that Creditors are put to, by Comprising of sums owing to their Debitors, by vertue of Heritable Bonds, Contracts and other Writs bearing paiment of Annualrents: which in respect of the Obliegment for Annualrents, were not in former times Arrestable. Therefore the Kings *Majesty*, with advice and consent of His Estates of Parliament, Findes and Declares, that all sums of money which are addebted by Bonds, Contracts and other personal Obliegments, whereupon no Infeftments have followed, are, and shall be Arrestable at the instance of any Creditor, notwithstanding that the Bonds, Contracts and other Obliegments bear paiment of Annualrents. And the Kings *Majesty*, with advice and consent foresaid, Declares that this shall no wayes change the nature of the saids Sums, nor prejudge the Heir nor any other person their rights to the same as being Heritable, which are hereby Declared to remain in their own nature unchanged by this Act *pro ut de jure*, except that only the same are Arrestable. And it is hereby expresly provided, that all Arrestments and Executions thereof, since the twenty ninth day of *July*, one thousand six hundred and fourty four years, used conform to the tenor of this Act, shall be as valid and sufficient, as if this present Act had been of the said date; But prejudice alwayes to the Creditors to Comprise the saids Heritable Sums, if they shall choose rather to Comprise then to Arrest.

LII.

Act concerning the disposal of Vacand Stipends.

FOrasmuch as by divers Acts, it is found that Stipends and Benefices of Vacand Kirks, or which thereafter should vaik by Decease, Deposition, Suspension, Transportation of Ministers, Dis-union of Kirks, or any other way, should, during the Vacancy thereof, be imployed on pious uses; and the Kings *Majesty* considering, that during these troubles, many Learned and Religious persons in the Ministry and Universities, for their expressions of duty and loyalty to His *Majesty*, or not concuring in the confusions of the time, have been Deposed, or Suspended from their Charge and Ministry, and have been otherwayes put under great sufferings, and they and their Families redacted to extream misery and want. And conceiving it to be an Act of great Piety and Justice, to have regard to the sufferings of these honest and faithfull Ministers and others, and in some measure to provide for them, and repair their losses; Therefore His *Majesty*, with advice of His Estates of Parliament, Ordains all Stipends or Benefices of Kirks that are Vacand, and not already disposed of, or which shall vaik by Decease, Deposition, Suspension, Transportation, or

any

any other wayes to be imployed for the ſupply and maintenance, and towards the reperation of the ſufferings and loſſes of the perſons aforeſaids, and of the Wives and Bairns of ſuch of them as are dead; and that in ſuch manner and wayes as after tryal of their merits and ſufferings, and the cauſes and grounds thereof, ſhall be thought fit by the Lords of His *Majeſties* privy Councill, to whom His *Majeſty*, with advice and conſent foreſaid, commits the care of this buſineſs; And doth hereby impower and require them to uſe all diligence, that the favour and Juſtice hereby intended by His *Majeſty* to theſe ſuffering Perſons and their Families, may be made effectual; and that notwithſtanding of any thing contained in any of the ſaids Acts to the contrair. It is alwayes provided, that this Act is without prejudice of any benefit, which by the Law and Cuſtom of this Kingdom, falls to the Relict, Bairns or Executors of a Miniſter after his deceaſe; and that this Act is to endure for the ſpace of ſeven years, and longer as His *Majeſty* ſhall think fit.

LIII.

Act ratifying the Act of Parliament 1633. *anent the Annexation of His* Majeſties *Property*, &c.

OUr Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, Ratifies and Approves, and for His Highneſſe, and His Succeſſors, perpetually Confirms, the tenth Act of the firſt Parliament of His *Majeſties* Royal Father of bleſſed memory, King *Charles* the firſt, holden at *Edinburgh*, in *Anno* one thouſand ſix hundred and thirty three, Intituled *An Act anent the Annexation of His* Majeſties *Property*, in the whole Heads and Clauſes thereof, eſpecially that Clauſe of the ſame whereby His *Majeſty* and the Eſtates of Parliament then conveened, did Declare the right and title of Superiority, of all and ſundry Lands, Barronies, Milns, Woods, Fiſhings, Towers, Fortalices, Mannor-places, and pertinents thereof, pertaining to whatſoever Abbacies, Priories, Prioreſſes, Preceptories, and whatſoever other Benefices, of whoſoever Eſtate, Degree, Title, Name or Deſignation the ſame were of, Erected in temporal Lordſhips, Barronies or Livings, before or after the general Act of Annexation of Kirk-lands made in the moneth of *July* one thouſand five hundred eighty and ſeven, together with the whole Few-mails, Few-fermes and other Rents and Duties of the ſaids Superiorities to be annexed, and to remain with the Crown for ever, upon the reſervation of the Lords and Titulars of Erection therein ſpecified: Likeas thereby His *Majeſty* and Eſtates foreſaid, Found and Declared, that all Titulars of Errection without exception, ſhould hold their property and proper Lands of the Kings *Majeſty* and His Succeſſors in Few-ferm, for paiment of the Few-ferm-duties, contained in the Inteſtments, granted to them before the ſaid Act of Annexation, and no otherwayes. And that all Rights and Deeds, made and granted to whatſoever perſon or perſons, preceeding the date of the foreſaid Act, which might prejudge His *Majeſty* and His Succeſſors, in the peaceable injoying of the ſaid Superiorities and Few-ferm-duties, ſhould be null and of no avail, by way of Action, exception or reply. And further His *Majeſty* with advice and conſent foreſaids, of new Declares, the foreſaid Superiorities of all and whatſoever Kirk-lands, Milns, Woods, Fiſhings and whole pertinents of the ſame, pertaining of before to whatſoever Chapters, Priors, Prioreſſes, Preceptors, and whatſoever other Benefices of whatſoever other Eſtate, Degree, Title, or Deſignation they be of, whereof the preſentation belonged to His *Majeſty* and His Highneſſe Predeceſſors, erected in temporal Lordſhips, Barronies and Livings, to pertain to His *Majeſty* and His Highneſſe Crown, therewith to remain all time comming. And alſo Declares all and whatſoever Grants, Rights or Inteſtments, of any of the ſaids Superiorities of the Lands and others pertaining to whatſoever Chapters, Priors, Prioreſſes, Preceptors, Abbacies, and whatſoever other Benefices of whatſoever Eſtate, Degree, Title, Name or Deſignation the ſame were of, with all Warrands, Tacks, Commiſſions, Bailleries or Deputations for entering of the Vaſſals thereto, made and granted by His *Majeſty* or His ſaid Umquhile deareſt Father in any time by-gone ſince the Surrender in *Anno* one thouſand ſix huudred twenty ſeven, or to be made in time comming with all other Gifts and Donations of the ſaids Few-duties formerly belonging to the ſaids Lords of Erection, and made by His *Majeſties* ſaid Umquhile deareſt Father after the Surrender, and before the Redemption thereof from the ſaids Lords, and all heritable and irredeemable Rights granted by His *Majeſties* ſaid Umquhile deareſt Father after the redemption whereby the Profits Caſualities & Emoluments of the Superiority of the ſaid Kirk-lands, may be conferrd to any other perſon, except the proper Vaſſals thereof, directly or indirectly, of whatſoever Name, Title or Deſignation they be of, & of all Gifts of new Regalities or Juriſdiction, to be null by way of exception or reply: Reſerving alwayes to theſe perſons, who have right to the Few-duties, the right and Title thereto. And reſerving to *John* Earl of *Lauderdale*, His *Majeſties* Sole Secretary for the Kingdom of *Scotland*, a Signatur ſuperſcribed by His *Majeſty* at His Court of *Whitehal*, the twenty fifth day of *May* laſt by paſt, and paſt in His *Majeſties* Exchequer, of all and whole the Lordſhip, Barrony and Regality of *Muſſelburgh*, containing a new gift of Union and Erection of the ſame, in a free Lordſhip, Barrony, and Regality; and diſcharges the Treaſurer Principal and Depute, Commiſſioners of the Treaſurary and remnant

Lords

Lords of Exchequer, Writers to, and Keepers of the Seals, from all paſſing or expeding any ſuch new Grants, Rights, Infeſtments, Tacks, Warrands, Commiſſions, Bailicries, or Deputations for entring of Vaſſals, except allanerly ſuch Infeftments and Signaturs, as ſhall be granted to the Lords and others, who had formerly right to the ſaids Erections and Superiorities, whereby they might have right to claim the Few-fermes and Few-duties addebted by the Vaſſals and others ſubject in payment thereof, allanerly, ay and while they be ſatisfied therefore, in manner ſpecified in the fourteenth Act of his Majeſties ſaid umquhile deareſt Father His firſt Parliament, and with the whole remanent exceptions and reſervations, contained in the ſaids Acts, made in *anno* one thouſand, ſix hundred, and thirty three, which are holden as repeated and expreſt herein. It is alwayes Declared, that notwithſtanding of this Act, any who have gotten or ſhall get any new Infeſtment of Superioritie of Kirk-lands, the ſame ſhall ſtand good, as to ſuch Vaſſals who have given their conſents to the ſaid right of Superioritie: In regard that ſuch a conſent, as to His Majeſtie, is of the nature of a Reſignation of their propertie, in favours of the ſaid Superior, to be holden of the King. But prejudice nevertheleſſe to His Majeſtie, of His Highneſſe Right of Reverſion of the Few-ferm, Few-duties and Caſualities, conforme to the foreſaid Act of Parliament, one thouſand, ſix hundred, and thirty three.

LIV.

Act in favours of Laick Patrons, of Proveſtries, Prebendries, Chaplanaries and Alterages.

OUR SOVERAIGNE LORD, with advice and conſent of His Eſtates of parliament, Ratifies and Approves the Act of Parliament, made by King *James* the ſixt, His Majeſties Grand-Father of eternal memorie, Parliament firſt, *Chap.* twelfth, *Anent Proveſtries, Prebendries, Alterages, Chaplanries*, and *Collegiat* Kirks, pertaining to laick Patrons, together with the Act of Parliament twelfth *Chap.* one hundred and fifty eight, Ratifying the ſame; and Ordaines the ſaids Acts to have full force and effect in all time coming; with this Declaration alwayes, That in reſpect the Vaſſals which held Lands of the ſaids Proveſts, Prebendars, and others foreſaids, are put to a great uncertainty of their Superiors, it not being known to them who are provided to the ſaids Proveſtries, Prebendaries, Chaplanries, Alterages, and others foreſaids, by reaſon there is no publick Regiſter, to the which they may have recourſe for knowledge and notice thereof, and that the moſt that they can know by any Regiſter, is the Infeſtments and Seizings, made to thoſe who are laick Patrons holding of His Majeſtie. Therefore, for ſecuring of the Vaſſals, who hold Lands, Milnes, Fiſhings, Tenements, Annual-rents or others whatſoever, of the ſaids Proveſtries, Prebendaries, Collegiat Kirks, or of Chaplanries, Alterages, and others of that nature, at any time of before; It is Statute and Ordained, that the entry of the ſaids Vaſſals by Retour, Precept of *Clare conſtat*, Reſignation, Compriſing or otherwayes whatſoever, ſhall pertain to the laick-Patrons and their ſucceſſors, who ſtand infeft in the ſaid laick-Patronages, holding immediatly of His Majeſtie; and that the entry of the Vaſſals by them, ſhall be as valid and ſufficient to the ſaids Vaſſals, receivers thereof, as if they were entred by the Titulars of the ſaids Proveſtries, Prebendries, Alterages, Chaplanries, and others foreſaids. And that the ſaids laick-Patrons, ſhall be in all time coming in their place, as Superior to the ſaids Vaſſals, and to have the ſame power to give Infeſtments to His Majeſties Subjects, upon Retour or by precept of *Clare conſtat*, or by Reſignation, Compriſing, or any manner of way, with Gifts *De novo damus*; and that without conſent of perſons provided, or to be provided, to the ſaids Proveſtries and prebendaries of Collegiat Kirks, Alterages, Chaplanries, or other Titulars of Collegiat Kirks; and alſo without conſent of the Chapter or Convent of the ſaids prebendaries thereof, or moſt part of the ſame, which of before was in uſe and cuſtom. Whereanent, and anent all Acts in the contrair, His Majeſtie, with conſent foreſaid, diſpences for ever, Reſerving alwayes to the Titulars of the ſaids Proveſtries, Prebendaries, Alterages, Chaplanries, and others foreſaids, the Fruits, Rents and Emoluments of the ſaids Proveſtries, Prebendaries, and others foreſaids, which are no wayes prejudged by this preſent Act. It is hereby further Statute and Ordained, with advice and conſent foreſaid, where there are any Prebendaries, Chaplanries, Alterages, or other foundations of that nature above-mentioned, founded, and ſituated within any Burgh Royal of this Kingdom, that the Proveſt, Baillies and Council of that Burgh, where the ſame are founded, are and ſhall be in all time coming, only undoubted Superiors, by whom and by no others, the Vaſſals and Tennants ſhall enter in manner above-ſpecified; the ſaids Proveſt, Baillies, and Council having been formerly Patrons of theſe Chaplanries.

LV.

Act anent Cocquets and Entries of Ships.

OUR SOVERAIGNE LORD, underſtanding there are divers abuſes commited by the Cuſtomers and Receivers of entries of Ships, and by the keepers of the Cocquet, in ſometime, exacting from Maſters of Ships, greater ſums of money then is due to them, and ſometimes abſenting themſelves,

ſelves, to the great prejudice of the Merchants eſtate, and to the hazard of the loſs of their voyage. Therefore Our Soveraigne Lord, with advice and conſent of the Eſtates of Parliament, Ordains that there be no greater price exacted, for entring their Ships and Goods, then the ſume of twentie three ſhillings four pennies; and for the ſaid Cocquet, then the ſume of fourty ſhillings; and that the keepers of the ſaid Cocquet, attend by themſelves or their ſervants, diligently and readily to anſwer and give out Cocquets to all Merchants and Maſters of Ships, under pain of loſing their place, whenſoever they ſhall be found either to exact more then the ſaid ſum above-written, or ſhall occaſion to the ſaids Merchants and Maſters more delay nor is needful for writting of the ſame.

LVI.

Act anent Coal-hewers.

OUR SOVERAIGNE LORD, with advice and conſent of His Eſtates of Parliament, Ratifies the eleventh Act of the eighteenth Parliament of King JAMES the ſixth, of worhie memorie, made anent Coal-hewers and Salters, with this addition, That becauſe Water-men who laves and draws Water in the Coal-heugh-head, and Gateſ-men, who work the wayes and paſſages in the ſaids Hewghs, are as neceſſar to the Owners and Maſters of the ſaids Coal-heughs, as the Coal-hewers and Bearers. It is therefore Statute and Ordained by Our Soveraigne Lord, with advice and conſent foreſaid, That no perſon ſhall hire nor ſeduce any Water-men, Windſ-men and Gateſ-men, withour a Teſtimonial of the Maſter whom they ſerve, under the pains contained in the former Acts in all points. And becauſe it is found by experience, that the giving of great Fees, hath been a mean and way to ſeduce and bring Coal-hewers from their Maſters, It is Therefore alſo Statute and Ordained, That it ſhall not be lawful for any Coal-Maſters in this Kingdom, to give any greater Fee then the ſum of twentie merks in Fee or Bounteth, under any colour or pretext: and becauſe the ſaids Coal-hewers and Salters, and other work-men in Coal-hewghs within this Kingdom, doly from their work at *Paſch*, *Zule*, *Whitſonday*, and certain other times in the yeare; which times they imploy in Drinking and Debauchry, to the great offence of God, and prejudice of their Maſters; It is Therefore Statute and Ordained, that the ſaids Coal-hewers and Salters, and other Work-men in Coal-heughs of this Kingdom, work all the ſix dayes of the week, except the time of Chriſtmaſſe, under the paine of twenty ſhillings *Scots*, to be paid to their Maſter; for ilk dayes failzie (by and attour the prejudice ſuſtained by their ſaids Maſters) and other puiſhment of their bodies.

LVII.

ACT diſcharging the Cuſtom of two and a halfe of the Hundred, and the Impoſt of four pounds on the Tun.

OUR SOVERAIGNE LORD, conſidering that the prices of all Merchandice do dayly riſe to exceeding great dearth, which is alleaged to be occaſioned through extraordinary Cuſtoms and Impoſitions. For remedy whereof, His Majeſtie, with advice and conſent of His Eſtates of Parliament Doth diſcharge all and ſundrie whatſoever Cuſtoms and Impoſitions exacted by the Cuſtomers, which are not allowed by the Acts of Parliament, and eſpecially the late Cuſtom of two and an half *per cent*, and the late new Impoſition of four pounds upon the Tun of Wine, aud all raiſings of His Majeſties Cuſtoms, directly or indirectly, without conſent of Parliament. And becauſe that the too much troubling of Merchants, and drawing of Maſters and Mariners from their ordinary charges, doth much impede the Trade; Therefore His Majeſtie, with advice and conſent foreſaid, diſcharges the taking of Merchants, Maſters and Mariners Oaths in the matter of Cuſtoms. And to the end, that the Subject of Trade may not be reſtrained with unneceſſary Cuſtoms, His Majeſtie, with advice and conſent foreſaid, Declares, That all Goods and Merchandice, Imported from Forraign places to this Kingdome and out of the ſame, paying Inward-cuſtom, ſhall be free of all Outward-cuſtom, according as is uſed in *England* and *Ireland*. Like-as His *Majeſty* Declares, that He conſented to the Act above-written upon this condition, that Commiſſion and Warrand be granted to the Exchequer, to eſtabliſh the Book of Rates, acccording as the prices of Merchandice now rules; and His *Majeſtie* permitted the option to the Burroughs, whereupon the Burroughs having adviſed, they made choice to be ruled by the Book of Rates anent the Cuſtoms; and conſented, that Commiſſion ſhould be granted to the Exchequer to eſtabliſh the Book of Rates, according as the prices of Merchandice now rules. In reſpect whereof; Our Soveraigne Lord, Ordains a Commiſſion to be drawn up to the Exchequer to the effect foreſaid, and extracted thereupon, for eſtabliſhing the Book of Rates according as the prices of Merchandice now rules: And Therefore Our Soveraigne Lord, with advice and conſent foreſaid, Ordains the Act above-mentioned to ſtand as a Law, in manner and to the effect above-rehearſed.

Act

LVIII.

Act in Favours of theſe who get their Ward-holding changed by the Kings Majeſtie.

THe Eſtates of Parliament having taken to conſideration, that ſome difficulty hath occurred in the proſecution of his Majeſties Royal Fathers intention of changing of Ward-holdings in Few, for the well of his Subjects, conform to the two Commiſſions, granted by His ſaid Majeſtie thereanent; under the Great Seal of this Kingdom: And that the ſaid difficulty hath riſen upon this ground, that diverſe of His Majeſties Subjects, holding Lands of His Majeſtie or of the Prince, ward, or Few *Cum maritagio*, holds alſo other Lands of other Superiors, Ward; who whilſt their Vaſſals held Lands Ward, or Few *Cum maritagio*, of His Majeſtie or of the Prince, could pretend no right to the Mariage of the Vaſſals Heir; when the ſame ſhall be changed in Few, and Compoſition and a yearly Few-duty being granted to His Majeſtie or the Prince for the ſaid Ward and Mariage, the other Superiors of the ſaids Vaſſals, of whom he holds Ward, may contend for the benefit of the caſuality of the Mariage of His Vaſſals Heir, when the ſame falls out, he being the Vaſſals eldeſt Superior of whom he holds Ward; which was grievous to the Vaſſals, who by this new courſe of changing of his holding, hath componed both for Ward and Marriage. Therefore It is Statute and Ordained, by the Kings Majeſtie, with advice and conſent of His Eſtates of Parliament, that all Vaſſals, holding Ward of his Majeſtie or the Prince, or holding Few *Cum maritagio*, who ſhall hereafter compone and agree with the Commiſſioners to be appointed by His Majeſtie, for changing of their Holdings, from Ward to Few, or for renunciation of the Marriage, contained in their Few-infeftments, their Heirs and Succeſſors in the ſaids Lands, ſhall be free of the Marriage that can be acclaimed by their Superiors of the Lands holden by them of their ſaids other Superiors, Ward; and that the ſaids other Superiors, ſhall have no right to the Marriage of their Heirs, when the ſame falls out, no more then they would have had, if the Lands holden Ward of his Majeſtie or the Prince, had continued ſtill Ward: but that the ſaids Vaſſals, whoſe holding ſhall be changed, or who ſhall compone for their Marriage, as ſaid is, their Heirs and Succeſſors, ſhall enjoy their Lands in all time thereafter, free of any ſuch burden of Marriage: Providing alwaies, Like-as it is hereby Provided and Declared, that if the foreſaids Vaſſals whoſe Holding ſhall be changed as ſaid is, and who ſhall compone for the renunciation of the Marriage contained in their Few-infeftments, or their Heirs or Succeſſors in the ſaids Lands which once held Ward or Few *Cum maritagio*, ſhall alienate and diſpone the ſaids Lands to any other perſons; then and in that caſe, the Aliener, or his Heirs ſhall no longer have the benefite of this preſent Act; but that notwithſtanding of this preſent Act, if they hold Lands Ward of any other Superior, that their Superior ſhall enjoy all the benefit of his Superioritie, as if this preſent Act had never been made. And ſuchlike, for the greater furtherance of His Majeſties Lieges, in the way of the changing of the tenours of the ſaids Ward-holdings, or renuncing of the Marriage contained in their ſaids Few-infeftments, Our Soveraigne Lord, with advice and conſent foreſaid, Ordains Signaturs to be paſt to the Lieges by the Exchequer, on the recommendation of the ſaids Commiſſioners of the Ward-lands in their favours, upon the Lieges their Reſignation for new Infeftments to be granted to them; bearing the new manner of Few-holding, or bearing the renunciation of the ſaid Marriage contained in their old Few-infeftments, as ſhal be Ordained by the ſaids Commiſſioners of the Ward-lands.

LIX.

Act anent the Exchequer.

THe Kings Majeſtie, conſidering that ſome doubts and debates may ariſe, concerning the meaning of the eighteenth Act of the Parliament, holden by his Majeſties Royal Father of bleſſed memorie, in the year one thouſand, ſix hundred, and thirty three, *Anent the deciding & Judging in Cauſes concerning His Majeſties propertie*; Doth for explanation thereof, with advice and conſent of His Eſtates of Parliament, Find, Declare, Statute and Ordaine that the validity and invalidity of Infeftments of His Majeſties Property, or of any other Infeftments, may not be diſcuſſed nor decided in the Exchequer, neither by way of Exception, Action nor Reply; but that the diſcuſſing and deciſion thereof, is only proper to the Lords of Seſſion; Reſerving alwaies to the Exchequer to judge in all other buſſineſſes concerning His Majeſties Rents and Caſualities, as they might have done before the yeare one thouſand, ſix hundred, and thirty three.

LX.

Act concerning Docqueting of Signaturs.

THe Kings *Majestie*, with advice and consent of His Estates of Parliament, Doth Ratifie and Renew the twentieth Act of the tenth Parliament of King *James* the sixth, of blessed memory, and accordingly Statutes and Ordains, that no Signaturs, Writs, Letters or Warrands shall be presented to be signed by His *Majestie*, but by His ordinary Officers, to whose charge the same properly belongs. And that His Majestie may the better know what passeth under His Hand, and upon what grounds He signs the same, It is appointed, That any of His Majesties Officers, who shall present any Signature, Writ, Letter or Warrand to be signed by His Majestie, shall cause Registrate the Docquet of the same in a Register, and then send the just double thereof under their hands to His Majesties Secretary, who is to give His Majesty timous notice of any prior Deed, differing or contrary to the same, that His Majestie may give His further Orders concerning the same.

LXI.

Commission for Plantation of Kirks, and Valuation of Teinds.

OUr Soveraign Lord, considering the great care His Royal Father and Grand-father, of ever blessed memory, had, at all times, of the Reformed Religion, within this Kingdome, and of the Maintenance and Provision of the Ministry and Churches thereof; Concerning which, and for the publick good of the Nation, His Majesties Royal Father did emit a declaration, immediatly after His succession to the Crown, and concerning diverse other particulars relating to Teinds and Superiorities of Kirk-lands: in order whereunto, diverse Acts and Ordinances of Parliament and of Commissions, were from time to time made, during the Reign of His ever Glorious Father; And yet, by the unhappy Troubles of the time, His Royal purpose hath not got a final acomplishment, so that diverse Churches are as yet unprovided with sufficient Maintenance, many Teinds unvalued, and diverse other particulars are as yet unperfected; And His Majestie being desirous to prosecute this good Work, for the universal good of the People, and namely for the incouragement of the Ministers of the Gospel, His Majesty, with advice and consent of the Estates of Parliament, Doth Ratifie and Approve the nineteenth Act of the Parliament holden at *Edinburgh* by His Royal Father, in *Anno* one thousand, six hundred, and thirty three, Intituled, *Commission for Valuation of Teinds &c.* in the whole Heads, Clauses and Contents thereof, except in so far as there hath been any derogation made thereto, by Acts and Commissions made and granted by His Majestie, since the date of the said Act, or granted by pretended Parliaments since and which are Ratified or Salved, or to be Reserved by this present Parliament. And His Majestie, with advice and consent foresaid, doth give full power and Commission to the persons aftermentioned, *viz. John* Earl of *Middletoun* His *Majesties* Commissioner, *William* Earle *of Glencairn* Lord High Chancellor, *John* Earl *of Craufurd* and *Lindsay* Lord Thesaurer, *John* Earl of *Rothes* President of His Majesties privy Council, *William* Duke of *Hammiltoun*, *James* Marquess of *Montrose*, *John* Earl of *Lauderdail* His Majesties Secretary, *William* Earl of *Marishal*, *John* Earl of *Athol*, *George* Earl of *Linlithgow*, *James* Earl of *Home*, *James* Earl of *Tullibardin*, *William* Earl of *Roxburgh*, *John* Earl of *Haddingtoun*, *James* Earl of *Annandale*, *William* Earl of *Dumfries*, *John* Earl of *Tweddal*, *James* Earl of *Calendar*, *John* Earl of *Dundee*, *David* Viscount of *Stormount*, *John* Lord *Sinclair*, *David* Lord *Cardros*, *John* Lord *Belhaven*, Lord *Halkertoun*, *William* Lord *Cochran*, *William* Lord *Bellenden*, Sir *John Gilmor* of *Craigmiler* President of the Session, Sir *Archbald Primerose* of *Chester* Knight and Barronet, Clerk of His Majesties Council, Registers and Rolls, Sir *John Fletcher* His Majesties Advocat, Sir *Robert Murray* Justice Clerk, Sir *James Lockhart* of *Lee*, Sir *George Mackenzie* of *Tarbet*, Sir *James Foulis* of *Colingtoun*, Sir *Archibald Stirline* of *Carden*, Sir *James Dalrymple* of *Stair*, Sir *John Scougal* of *Whitekirk*, Senators of the Colledge of Justice; *Alexander Bruce* of *Kincairn*, Sir *John Urquhert* of *Cromarty*, Sir *Robert Flecher* of *Salton*, Sir *Alexander Gibson* of *Durie*, Sir *Robert Innes* of that ilk, *James Crighton* of St. *Leonards*, *George Kinnaird* of *Rossie* Sir *Gilbert Ramsay* of *Balmayn*, *John Murray* of *Polmais*, *William Scot* of *Ardrose*. Sir *James Dundas* of *Arneston*, Sir *John Foulis* of *Ravilston*, *Richard Murray* of *Broughtoun*, Sir *Robert Hepburn* of *Keith*, Mr. *Robert Preston* of that ilk, Sir *Andrew Ramsay*, Sir *Robert Murray*; Sir *Archibald Sydserf*, Sir *William Thomson* and *John Miln* Burgesses of *Edinburgh*, Sir *Alexander Wedderburn*, & *Alexander Wedderburn* of *Dundee*, Mr. *John Paterson* of *Perth*, *John Bell* of *Glasgow*, *William Cunningham* of *Air*, *Andrew Glen* of *Linlithgow*, *Duncan Nairn* of *Stirline*, *Alexander Bruce* of *Culross*, *Andrew Carstairs* of *St. Andrews*, and *William Seaton* of *Haddingtoun*, Burgesses: Or any thirteen of them, there being alwayes present three Noblemen, three Gentlemen, and three Burgesses, with His Majesties Commissioner, the Lord Chancellor, Lord Thesaurer, Lord President of the Council, Lord Privy Seal, the Lord Secretary, or any one of them, with power to them, or *Quorum* foresaid, to meet and conveen at *Edinburgh*, or such other place or places, at such times and diets as they shall appoint, to value and cause value whatsoever Teinds great or small, Parsonage or Vicarage, of whatsoever Lands and others within this Kingdom lyable to the payment of Teinds of whatsoever

ſoever nature or quality the ſame be of which are yet unvalued. Providing the Miniſters ſerving the Cure, who do lead Teinds, be ſecured of good and thankful payment of ſo much victual or money anſwerable to the worth of the ſaids Teinds, as the Teinds ſhall be valued to. And alſo with power to them to receive reports from Sub-commiſſioners, and to appoint Sub-commiſſioners conform to the former Acts and Commiſſions, to appoint conſtant and local Stipends, and grant augmentations, to diſ-joyn too large and ſpacious Kirks, build and erect new Kirks, diſ-member, annexe and unite Kirks, and to take order that every Heritor and Life-renter ſhall have the leading and buying of their own Teinds, if they be willing, according to the Rates preſcribed by former Commiſſions, namely by the foreſaid Commiſſion granted by his Majeſty, with conſent of the Eſtates of Parliament, in *Anno* one thouſand ſix hundred thirty and three. And with power to the ſaids Commiſſioners or *Quorum* foreſaid, to give recompence to Parties for the augmentation of Stipends to be impoſed by this Commiſsion in the ſame way as was done by former Commiſsions, namely by the Commiſſion in *Anno* 1617. With power to them to determine all Queſtions concerning the Prices of Teinds betwixt Titulars and others having right to the Teinds, and the Heritors: And to appoint ſuch ſecurities in favours of the Titulars and others having right, by the Heritors payers of the valued Duties or buyers of the ſaids Teinds, and in favours of the Miniſters as to their maintenance, as the ſaids Commiſsioners ſhall think fitting, according to the Rules ſet down in the ſaids former Acts, namely in the ſaid Act, in *Anno* one thouſand ſix hundred thirty and three. And ſuchlike, with power to them to appoint and provide for ſuch other pious uſes in each Paroch as the Eſtate thereof may bear. Declaring, that where the Vicarage of any Paroch is a ſeveral Benefice and Title from the Perſonage, the ſame ſhall be ſeverally valued, to the effect the Titulars or Miniſters ſerving the Cure, having right to the ſaid Vicarage, be not fruſtrate of the true worth thereof. It is alwayes Declared, That Miniſters ſerving the Cure, who now lead their Teinds, and that Colledges, Schools and Hoſpitals be not conſtrained to ſell, ſet nor diſpone their Teinds in prejudice of their Succeſſors notwithſtanding of the valuation thereof; and that Titulars and others having right to Teinds, ſhall not be forced to diſpone any Teinds valued or to be valued, which they ſhall be content and willing to aſsign and diſpon to the Miniſter ſerving the Cure of the Paroch as a part of his Proviſion. And His Majeſty, with conſent foreſaid, Declares, That where valuations are lawfully led againſt all parties having intereſt, and allowed by former Commiſsions, according to the order obſerved by them, that the ſame ſhall not be drawn in queſtion, nor rectified upon the pretence of enorm leſion, at the inſtance of the Miniſter, not being Titular; or at the inſtance of his Majeſties Advocate, for and in reſpect of his Majeſties Annuitie: Except it be proved that colluſion was uſed betwixt the Titulars and Heritor, or betwixt the Procurator-fiſcall and Heritors and Titulars; which colluſion is Declared to be where the Valuations are led with the diminution of a third of the juſt Rent, and which diminution ſhall be proved by the Parties Oaths. And albeit that all the Acts of the pretended Parliaments, in the years one thouſand ſix hundred and fourty, and one thouſand ſix hundred fourty and one, and ſince; are declared by an Act of this preſent Parliament, null and of none avail in all time comming; yet it is hereby Declared, That all and whatſoever Valuations, Acts, Sentences and Decreets, done, concluded, and decerned by vertue of any Commiſsions granted by the ſaids pretended Parliaments, with all execution uſed or to be uſed thereupon, are and ſhall ſtand valid in all times comming, notwithſtanding of the foreſaid Act Reſciſſory; And this for the good and eaſe of the People, and for incouragement of the Miniſters of the Goſpel, whereunto his Majeſty hath alwayes a tender reſpect. And although by a ſpecial Act of this preſent Parliament, the pretended Parliament holden in *Anno* one thouſand ſix hundred and fourty nine, and in the beginning of the year one thouſand ſix hundred and fifty, is from the beginning Declared void and null, and all that hath followed thereon; Yet nevertheleſſe His Majeſty Doth, with advice foreſaid, Authorize all Valuations, Acts, Decreets and Sentences led, deduced and pronounced by the Commiſsions one or moe appointed by the ſaid pretended Parliament, for Plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting ſuch Decreets and Sentences given in favours of Miniſters for their Stipends, or for dividing, uniting, annexing or building of Kirks, which ſhall be found to have been unjuſtly or exorbitantly decerned: The determination whereof is hereby referred by his Majeſty, with conſent foreſaid to the ſaids Commiſsioners, that they after hearing of parties, and conſideration of particulars, may take ſuch courſe for altering, annulling or allowing of the ſaids Acts, Decreets, and Sentences, as they ſhall think fitting, conform to the Laws, Practique and cuſtom obſerved preceeding the year one thouſand ſix hundred and fourty nine: and Ordains Proceſſe upon Supplications to be ſummarly granted, parties alwayes being cited, and that without any reduction. And it ſhall be lawful to the ſaids Commiſsioners or *Quorum* foreſaid, to proceed in all Summons and Actions to be intended for that effect, within the ſpace of two years after the firſt down-ſitting of the Commiſsion. As alſo, with power to the ſaids Commiſsioners, upon the dependance of the ſaids Complaints and Proceſſes to diſcharge execution upon the foreſaids Decreets, in whole or in part, as they ſhall find juſt, ay and while the matter be determined by them. As alſo in reſpect that by diverſe Decreets pronounced by the ſaids Commiſsioners appointed by the ſaid Commiſsion, in *Anno* one thouſand ſix hundred and fourty nine, the burden of an Augmentation was put upon diverſe Tacks-men of Teinds, and yet no recompence was made to them by prorogating of the ſaids Tacks; in regard alſo that diverſe Regiſters of Commiſsions, preceeding the year one thouſand ſix hundred and fourty nine, are loſt, whereby Prorogations were granted in favours of Tacks-

men, and the Extracts alſo periſhed the time of the Troubles: Therefore his Majeſty, with conſent foreſaid, Gives power to the ſaids Commiſsioners, or *Quorum* foreſaid, appointed by this Commiſsion, to grant recompence and prorogation to the ſaids Tackſ-men, in the ſame manner as was preſcribed by the former Commiſſions, namely by the Commiſſion in Anno one thouſand, ſix hundred, and ſeventeen, the Titulars alwayes being cited thereto. And whereas it may fall out that ſome of the ſaids Commiſſioners now appointed, may be unable to attend the ſervice, through death, ſickneſs, or ſome other notour and known impediment. Therefore His Majeſty Declareth, that He ſhall be careful to fill their places with other perſons qualified, whoſe Oaths for faithful diſcharge of the ſame, ſhall be taken by the Lord Chancellor, or in his abſence, by the Preſident of the ſaid Commiſſion for the time: And ordains this preſent Commiſſion to endure ay and while the ſame be diſcharged by His Majeſty; and Ordains the Acts, Decreets and Ordinances thereof, to have the force, ſtrength and effect of a Decreet, Sentence and Act of Parliament; and the Lords of the Seſſion to grant and direct Lettters of Horning, Poynding and others requiſit, in manner contained in the foreſaids former Commiſſions. And conſidering that it was the will and pleaſure of His Majeſties Royal Father, that all Heritors, who ſhould be willing to buy, ſhould have their own Teinds at reaſonable Rates; Therefore His Majeſty, with advice foreſaid, Statutes and Ordains, that all Heritors whoſe Teinds are not valued, ſhall have liberty to value and buy the ſame at ſuch Rates as are contained in the Act of Parliament one thouſand, ſix hundred, and thirty three years. With power to augment the ſaids Rates according to the burden of Augmentations and others ſuſtained by the Titulars, ſince the ſaid Act of Parliament one thouſand, ſix hundred, and thirty three years; and the ſaids Heritors to have the liberty of buying, as ſaid is, within the ſpace of three years after the valuation. With power to the ſaids Commiſſioners to determine therein according to Juſtice; with this Declaration alwayes, That incaſe the impediment during the ſpace foreſaid, flow from the Titular, by reaſon of his minority or other inability, in that caſe, the Heritor who offered himſelf ready to buy his own Teind within the ſpace foreſaid, ſhall have place, ſo ſoon as the impediment is removed, to buy his Teinds, notwithſtanding of the expiring of the years and ſpace above expreſt. And it is Declared, that if the Heritor be Minor, and his Tutors neglect the buying of his Teinds within the foreſaid ſpace, the Minor ſhall have Action for two years after his minority, to compel the Titular for ſelling of the ſaids Teinds.

LXII.

ACT for ordering the payment of Debts, betwixt Creditor and Debitor.

1. OUR SOVERAIGNE LORD, conſidering how neceſſary and eſſential it is to the very being and flouriſhing of Kingdoms and Nations, that there ſhould be a National confidence among the people themſelves, and with theſe of other Nations with whom they have correſpondence and traffick abroad; and that the moſt effectual and proper way to beget, cement, and maintain the ſame, is, that Promiſes, Pactions, Obliegments and Debts be faithfully performed and ſatisfied, without which there can be no truſt, and conſequently no ſociety, intercourſe and commerce at home, and all Trade and Traffick with other Nations will certainly decay and ceaſe, to the irreparable loſs, ruine and diſcredit of the Nation: Yet, the troubles and difficulties of the time being ſo great, that it is fit ſome breathing time and encouragement ſhould be given to the Debitors, for the better inabling them to keep their credit, and to take ſome effectual courſe for payment of their Debts. Therefore His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That for all Sums and Debts contracted before the tearm of Whitſunday, one thouſand, ſix hundred, and fifty eight years, and exceeding one thouſand pounds Scots of principal, perſonal execution ſhall be forborne by the ſpace of ſix years, to begin at Whitſunday laſt by-paſt, in this inſtant year, one thouſand, ſix hundred, and ſixty one; Providing that the Debitors make payment of one years Annual-rent at Candlemeſſe next, in the year one thouſand, ſix hundred, and ſixty two, and that the reſidue of the by-gone Annualrents of the ſaids Sums reſting unpaid at Whitſunday next, ſhall become and be made a principal Sum, and the Debitor ſhall give ſecurity for the ſame to theſe who have right to the by-gone Annualrents, when they take the benefit of the foreſaid forbearance, in manner after-mentioned; or at any other time that the ſame ſhall be demanded: Which Security to be granted for the ſaid by-gone Annualrents, made up in a principal Sum, ſhall bear obliegment to pay Annualrent for the ſame, in manner and from the tearms after-ſpecified, *viz.* For a third part thereof, from Whitſunday next, one thouſand, ſix hundred, and ſixty two years; and for an other third part, from Martimeſſe thereafter, in the ſaid year, and for the laſt third part, from Whitſunday, in the year one thouſand, ſix hundred, and ſixty three, during the not payment of the ſaid principal Sum ſo made up, for which, perſonal execution is to be forborne, as for the other principal Sums, by the ſpace aforeſaid of ſix years after Whitſunday laſt. And without prejudice of the Security to be granted in manner foreſaid, It is alſo Declared and Ordained, that the ſaid by-gone Annualrents, are made up, and ſhall be holden and eſteemed principal Sums; And that Annualrents ſhall be due and payable for the ſame from the tearms and in manner foreſaid, and that execution ſhall follow at the inſtance of thoſe who have right

right to the ſame, upon and by vertue of their Bonds, Contracts and Rights, and of this preſent Act and Ordinance, in the ſame manner as if a new Security were already granted in manner and of the tenour above-written.

2. And notwithſtanding of the Premiſſes, It is hereby Declared, that the Lords of Seſſion ſhall have power to grant and paſſe Suſpenſions for Sums not exceeding one thouſand pounds, upon ſuch reaſons as they ſhall think juſt.

3. And where thoſe who have right to by-gone Annualrents are only Liferenters, and have no right to the ſtock and principal Sum, It is Ordained, that it ſhall be lawful to them to uſe execution for the whole by-gone Annualrents due to them, as they might have done before the making of theſe Preſents; and that the ſaids Lords of Seſſion ſhall have power to grant and paſſe Suſpenſions againſt the ſaids Liferenters, in caſe they ſhall find juſt grounds and cauſe for granting of the ſame.

4. It is likewayes Provided, that the benefit of the ſaid forbearance, ſhall only be granted and competent to ſuch Debitors, as ſhall pay the ſaid years Aunualrent, within the time foreſaid, and ſhall betwixt and the firſt day of November, compear before any of the Lords of Seſſion with the Clerk, and declare before them upon Oath, that their Debts exceeds the value of Four years Rent of their Eſtate, pertaining to, and poſſeſt by them: which Declaration, extracted under the hand of the Clerk of Regiſter, or his Deputes, ſhall be a ſufficient Security againſt Perſonal execution: And for which Extract, the Clerk Regiſter and his Deputies ſhall have for their Fees the ſum of thirty three ſhillings four pennies Scots, and no more. And it is Declared, that all perſons, who ſhall not by themſelves, or their Tutors or Curators, appear and declare within the time, and in manner foreſaid, ſhall be excluded from the benefit of the foreſaid forbearance, and ſhall never be reponed or admitted thereafter, upon any pretext whatſoever.

5. And the benefit of the foreſaid Forbearance being granted to the Debitors, or any of their Cautioners, upon the compearance and declaration foreſaid, ſhall only be perſonal for them and their Heirs and others repreſenting them, and ſhall not be extended to thoſe who are bound with them, and lyable to the ſaids Debts, unleſs they alſo compear and declare, that their own proper Debts and Cautionry for perſons who have taken the benefit of this Act, exceeds the value of Four years Rent of their Eſtate, and that within the time and in manner foreſaid.

6. And for the more eaſe of the Debitors, It is Ordained, that in-caſe within the time of the Forbearance foreſaid, the Debitor ſhall offer to the Creditor a part of his Debt, not being beneath or within the third part of the whole Sums due by them to the Creditor for the time, the Creditor in that caſe, ſhall be holden to accept of the ſaid partial payment: and in-caſe of his refuſal, offer being made of a part of the ſaids Sums, not within the proportion foreſaid, in preſence of a Nottar and Witneſſes, the Debitor, upon conſignation of the ſame in the hands of the Clerk of the Bils; ſhall be free of the Annualrent of that part of the ſaid Sum that ſhall be conſigned, in all time coming after the conſignation foreſaid.

7. And whereas the legal reverſion of Compriſings was formerly limited to ſeven years, His Majeſty, for the reaſons and with conſent foreſaid, is graciouſly pleaſed to extend the ſame to ten years in all time comming; and Statutes and Ordains, that all Compriſings already deduced, and whereof the legal reverſion is not yet expired, or which ſhall be deduced any time hereafter, ſhall be redeemable within the ſpace of ten yeares after the date of the ſame; and all compriſings deduced ſince January, one thouſand, ſix hundred, and fifty two years, and whereof the legals are expired, and all compriſings deduced before the ſaid Moneth of January, one thouſand, ſix hundred, and fifty two years, and which were not expired before the ſaid Moneth of January, one thouſand, ſix hundred, and fifty two years, ſhall be redeemable within the ſpace of three years, after Whitſunday now laſt by paſt, notwithſtanding the legal reverſions of the ſame be now expired.

8. And in caſe the Lands and others compriſed, exceed in yearly Rent and value, the Annualrent of the Sums contained in the ſaids Compriſings, and of the expence diſburſed in obtaining Inſeftments thereupon, and the Debitor ſhall deſire the Creditor to poſſeſs the Lands and others compriſed, it ſhall be lawful to the Lords of Seſſion, like-as the ſaids Lords are hereby impowered and authorized, upon a Supplication to be made to them by the Debitor, and citation of the compriſers, to appoint the Appriſers to poſſeſs ſuch of the ſaids Lands and others, during the legal reverſion, as the ſaids Lords of Seſſion ſhall think juſt and reaſonable; the ſaids Debitors alwayes giving poſſeſſion to thoſe who have right to the ſaids Compriſings, and ratifying their poſſeſſion already apprehended by them (if any ſuch poſſeſſion they have) of ſuch of the ſaids Lands and others, as the ſaids Lords of the Seſſion appoint, not being beneath in yearly Rent and value of the Annualrents above-mentioned; or otherwayes giving to the Creditors (whether they have poſſeſſion or not) ſufficient ſecurity, at the ſight of the ſaids Lords, for payment of the ſaids Annualrents, during the time foreſaid; the ſaids Lords of Seſſion having alwayes power to determine, whether in the caſes foreſaids the Debitor ſhall give ſurety to the Creditor, for his Annualrents, or the Debitor not being able to give ſurety, the Creditor ſhall be oblieged to take poſſeſſion of the Debitors Lands. And if the Lords of Seſſion ſhall appoint, in the caſe foreſaid, the Creditor to be poſſeſt for his Annual-rent, then and in that caſe, the Debitor ſhall be holden to deliver the Evidents of the ſaids Lands to the Creditor, or tranſumpts thereof; providing alwayes, that the Creditors right, by vertue of the ſaids Compriſings, be nowayes prejudged after the expiring of the ſame;

And

And that the whole Lands and others, both such as shall be possessed by the Debitor, and the remanent of the Lands and others contained in the saids Compriſings, ſhall pertain to the Creditor irredeemably.

9. And becauſe oftentimes Creditors, in regard they live at diſtance, or upon other occaſions, are prejudged and preveened by the more timeous diligence of other Creditors, ſo that before they can know the condition of the common Debitor, his Eſtate is compriſed, and the poſterior Compriſers have only right to the Legal reverſion, which may, and doth often prove ineffectual to them, not being able to ſatisfie and redeem the prior Compriſings: (their means and money being in the hands of the common Debitor) Therefore it is Statute and Ordained, that all Compriſings, deduced ſince the firſt day of *January*, one thouſand, ſix hundred, and fifty two years, before the firſt effectual Compriſing, or after, but within year and day of the ſame, ſhall come in *pari paſſu* together, as if one Compriſing had been deduced and obtained for the whole reſpective Sums, contained in the foreſaids Compriſings. And it is Declared, that ſuch Compriſings as are preferable to all others in reſpect of the firſt real Right and Inſeſtment following thereupon, or the firſt exact diligence for obtaining the ſame, are and ſhall be holden the firſt effectual Compriſing, though there be others in date before and anterior to the ſame; and the foreſaid benefit given and introduced hereby, in favours of theſe whoſe Compriſings are led within the time, and in manner foreſaid, is only granted and competent in the caſe of Compriſings, led ſince the firſt day of January, one thouſand, ſix hundred, and fifty two years, and to be led after the date of thir preſents, and for perſonal Debt only, without prejudice alwayes of ground Annuals, Annualrents due upon Inſeſtment, and other real Debts, and *Debita fundi*, and of compriſings therefore of Lands and others affected therewith, which ſhall be effectual and preferable according to the Laws and Practick of this Kingdom now ſtanding; And it is alſo provided, that the Creditors having right to the firſt compriſing, except as is above excepted, ſhall be ſatisfied by the poſterior compriſers, claiming the benefit foreſaid, of the whole expence diſburſed by them, in deducing and expeding the ſaid firſt compriſing and Inſeſtments thereupon.

10. And further, for obviating the frequent and fraudful practice of the appearand Heirs of Debitors, who are in uſe to acquire the right of expired compriſings, and by vertue thereof, to enjoy and poſſeſs their Predeceſſors Lands and Eſtate, to the prejudice and defrauding of the poſterior compriſings and other Creditors, It is Statute, that in caſe the appearand Heir of any Debitor, or any other confident perſon to his behoof, ſhall at any time hereafter acquire the right of an expired compriſing, already deduced, or which ſhall be led and deduced hereafter, the ſaid right ſhall be redeemable from the appearand Heir, or the ſaid confident perſon their Heirs and Succeſſors within the ſpace of ten years, after the acquiring of the ſaid right, by the poſterior compriſers, upon payment allanerly of the Sums truly paid and given out, for buying and acquiring the ſaids rights, at the leaſt ſo much thereof as ſhall be reſting unſatisfied, for the ſame, by the intromiſſion of the appearand Heir, or of the ſaid confident perſon, or their foreſaids.

11. And His Majeſtie, with conſent foreſaid, doth Declare, That the benefit foreſaid introduced hereby anent Compriſings, ſhall be extended to Adjudications for Debt; ſo that the Creditors, at whoſe inſtance the ſame are obtained, and thoſe who have right to redeem the ſame, ſhall be in the ſame caſe as to the benefite foreſaid, as if the ſaid Adjudications for Debts were Compriſings.

12. And in caſe a Creditor, againſt whom the benefit of the foreſaid forbearance for ſix years ſhall be taken, or who hath led or ſhall lead a Compriſing againſt the Debitor, ſhall think fit, and be willing, and deſirous to take his Debitors Lands, or other Eſtate, or any part thereof for ſecutity or payment, and in ſatisfaction of his Debt, then and in either of theſe caſes, the Debitor ſhall be holden to give Security out of his Lands, and other Eſtate, or to ſell the ſame to the Creditor, at the ſight of the Lords of Seſſion, with ſuch warrandize, and at ſuch rates and prices (if the Creditor be content to buy) as they ſhall appoint; with certification, that otherwayes the Debitor, refuſing or failing, ſhall loſe and forfeit all benefit introduced in favours of the Debitors by this preſent Act, as if it had never been made.

13. And in regard ſome perſons may have taken advantage of the late times and troubles, by taking and acquiring of proper Wodſets of Lands and others, exceeding the Annual-rent of the Sums lent upon the ſame; and providing nevertheleſſe, by the right of the foreſaids Wodſets and expreſſe proviſions therein, or by writ apart, that they ſhould not be lyable to any hazard of the Fruits, Tennents, War, or Troubles; His Majeſtie, with conſent foreſaid, Statutes and Ordains, that all ſuch Wodſets, granted ſince the year one thouſand, ſix hundred, and fourty nine, ſhall be reſtricted to the ordinary Annualrent of the Sums whereupon the ſame are redeemable; and the ſaids Wodſetters ſhall be countable for the *ſuperplus* of the Mails and Duties and other benefit of the ſame, exceeding the Annual-rent of the ſaids Sums, and the ſame ſhall be imputed and aſcribed, in ſatisfaction of the ſaids principal Sums *pro tanto*: And in caſe any ſuch Bargains and Rights ſhall be made and acquired hereafter, His Majeſtie, with conſent foreſaid, Declares the ſame unlawful and uſury, and the contraveeners ſhall be puniſhed ſeverely as Uſurers, conform to the Lawes and Acts of Parliament againſt Ockerers and Uſerers.

14. And as to proper Wodſets, granted ſince the time foreſaid, where the Creditor undergoes the ſaids hazards, and the ſame are affected with the ordinar proviſions and clauſes irritant, in caſe of not payment of the ſums given out and due upon the ſaids Wodſets, at the tearmes and in manner mentioned in the ſaids Rights:

Rights: albeit the ſaids Wodſets and Proviſions be lawful; yet His Majeſty, conſidering and having reſpect to the difficulties of the times, Statutes and Ordains, with conſent foreſaid, That the ſaids Clauſes irritant, ſhall not take away the Heritors right, they alwayes redeeming within the ſpace of five years after Whitſunday laſt: And in caſe the Debitors conceive, that they have diſ-advantage by the ſaid proper Wodſets, and ſhall deſire to redeem the ſame, it ſhall be lawful to them to redeem at any tearm of Whitſunday or Martimeſſe they pleaſe, notwithſtanding of any proviſion to the contrair in the ſaid Wodſet-rights, or any other right apart ſuſpending the redemption thereof. Like-as it is Declared, That the clauſes of requiſition contained in proper Wodſets, granted ſince the year one thouſand, ſix hundred, fourty nine years, ſhall be effectual and no wayes ſuſpended nor prejudged hereby; But prejudice alwayes to the forbearance of perſonal execution in manner above-written. And where the Creditors and Wodſetters have tranſacted with their Debitors, and have acquired inredeemable rights, for, and in place of their former Wodſets, It is Ordained and Declared, That when, and at what time ſoever the ſaids Wodſets were granted, whether before or ſince the year one thouſand, ſix hundred, and fifty years, the ſaids tranſactions and irredeemable rights acquired by the Creditor for the ſame, are and ſhall be valid and effectual, and ſhall no wayes be prejudged by theſe preſents.

15. And further His Majeſty, with conſent foreſaid, doth Declare, That in caſe any Debitors have by Voluntar agreement betwixt them and their Creditors, or any of them, renounced the benefit of any Acts of this nature, concerning Debitor and Creditor, made or to be made, the ſaid agreement ſhall be of force and effectual, and ſhall not be prejudged hereby; without prejudice alwayes to the ſaid Debitor of the prorogation foreſaid of the Legal reverſions of compriſings led and deduced againſt them, and not as yet expired, notwithſtanding of the agreement and renounciation foreſaid.

16. And becauſe, before the year one thouſand, ſix hundred and fifty, when money paſt at eight or ten *per cent*, divers proper Wodſets were then made and granted, and are yet unredeemed; and ſince the beginning of January, one thouſand, ſix hundred, and fifty, there be divers perſons, who taking advantage of the times, refuſed to lend their money, unleſs they got proper Wodſets of Lands and Teinds, at extraordinary advantages, to the heavy prejudice of the Debitors: Therefore, His Majeſty, with advice foreſaid; Statutes and Ordains, That in time coming, during the not requiſition of the Sums whereupon the ſaids Wodſets are redeemable, and during the not redemption of the ſame reſpectively, if the Debitors ſhall give ſufficient Security to the Wodſetter, for payment of his Annualrent, during the not redemption, or not requiſition, as ſaid is; In that caſe, the Creditors-Wodſetter, ſhall be holden to renounce and quyt his poſſeſſion of the ſaids Lands and Teinds, in favours of the Debitor and others having right from him; At leaſt if the Wodſetter ſhall be content to retain the poſſeſſion of the ſame; In that caſe all the free Profits and Rents, which he ſhall have or uplift out of the ſaids Lands, ſhall be reſtricted to ſix *per cent.* yearly of free money, and the Wodſetter ſhall be countable to the Debitor, or others having right from him, for the *ſuperplus*; and that without prejudice of the Wodſetters real Right and Infeftment, ay and while the Lands be redeemed, and the principal Sum whereupon the ſame is redeemable ſhall be ſatisfied. It is alwayes provided, that where any Creditor hath had loſs by his poſſeſſion of the Wodſet-lands and others ſince the date of his Wodſet, So that he hath not receaved as much Free Rents as, *communibus annis*, hath extended to the Annualrent allowed by Law for the time, all charges and burdens being deduced; in that caſe, it is provided that the Wodſetter ſhall be firſt ſatisfied of what he wants before he quyt his poſſeſſion of the ſaid Wodſet-lands, or be holden to accept Security for his Annualrents: And it is Declared, that in the account of the Wodſetters by-gone loſs, there ſhall be allowed what he hath diſburſed upon reparation and building of Tennents houſes, Milnes, and for the advantage of the ground; and generally all other expence which the Wodſetter was put to, and what loſs he ſuſtained in reference to the ſaids Wodſet-lands, Rights and Securities thereof, any manner of way; and what he hath loſt by Quarterings, Ceſs, waſte Land, depauperated Tennents, or by Tennents who were or are not able to pay, unleſs the ground ſhould be caſten waſte: And becauſe the Wodſetters probation of his ſaids loſs may be difficile, he not conceiving that there ſhould be neceſſity for any ſuch count, or that there ſhould be any alteration made in the right and poſſeſſion of his proper Wodſet, Therefore His Majeſty, with advice foreſaid, doth allow the Lords of Seſſion to take ſuch reaſonable probation as in equity they ſhall think fit; And if there be any deficiency, to take the Wodſetters Oath in ſupplement; and where the Wodſetter is in natural poſſeſſion of the Wodſet-lands, by dwelling thereon or labouring the ſame with his own Plough and Goods, or otherwayes, having the ſame pleniſhed with his ſaids Goods, in that caſe, he ſhall not be holden to remove from his ſaid poſſeſſion, but at the ordinary tearm of removing, and that he be lawfully warned fourty dayes before, and after ſufficient Security ſhall be made to him, in manner above ſpecified, before the ſaid warning.

17. And His Majeſty having granted ſo much favour, benefit and indulgence to Debitors, as the like cannot be ſhown to have been granted at any time in this Kingdom, doth Declare, Statute and Ordain, That the Laws and Practick of the Kingdom, concerning Debts and payment thereof, and diligence & execution for the ſame, and concerning proper Wodſets, where the Creditor-wodſetter hath the hazard of Fruits, Tennents, War and others, ſhall be obſerved inviolably, and be of full force, vigor and effect in all time coming, excepting ſo far as the ſame is altered, innovat and repealed by this preſent Act.

LXIII.

Act Salvo jure cujuſlibet.

OUR SOVERAIGNE LORD, taking to conſideration, that there be many Acts of Ratification and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged. Therefore His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts, and Acts of Ratification, paſt in manner foreſaid, ſhall not prejudge any third party of their lawful rights; nor of their actions and defences competent thereupon before the making of the ſaids particular Acts, and Acts of Ratifications; and that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt parties according to their ſeveral rights, ſtanding in their perſons before the making of the ſaids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cujuſlibet.*

LXIV.

ACT of Adjournment.

THe Kings Majeſtie Declares this Parliament current, and Adjourns the ſame to the twelfth day of March next to come; Ordaining all Members of Parliament, Noble-men, Commiſſioners of Shires and Burghs, and all others having intereſt, to attend that day: and that there be no new Elections in Shires or Burghs, except upon the death of any of the preſent Commiſſioners.

A. PRIMEROSE,

Cls. Regiſter.

FINIS.

ATA.

A TABLE

Of the Printed ACTS.

1 ACT *concerning the Preſident, and Oath of Parliament.*
2 *Act and acknowledgment of His Majeſties Prerogative, in the choice of His Officers of State, Councillors and Judges.*
3 *Act aſſerting His Majeſties Royal Prerogative, in the calling and diſſolving of* Parliaments, *and making of Laws.*
4 *Act aſſerting His Majeſties Royal* Prerogative, *in the making of Leagues, and the Conventions of the Subjects.*
5 *Act aſſerting His Majeſties Royal Prerogative, in the* Militia, *and in making Peace and War*, &c.
6 *Act annulling the pretended* Convention *of Eſtates, keept in the year*, 1643.
7 *Act concerning the League and covenant, and diſcharging the renewing thereof, without His Majeſties Warrand and approbation.*
8 *Act againſt* Papiſts, Prieſts *and* Jeſuits.
9 *Act approving the Engagement*, 1648. *and annulling the pretended* Parliaments *and* Committees *keept thereafter.*
10 *Act condemning the Tranſactions concerning the Kings Majeſty, whilſt He was at* New-caſtle *in the years* 1646, *and* 1647.
11 *Act for taking the Oath of Allegiance, and aſſerting the Royal* Prerogative.
12 *Act concerning the Judicial proceedings in the time of the late Uſurpers.*
13 *Act and Offer of Fourty thouſand pounds Sterling, to be paid to the Kings Majeſty yearly during His life-time, by this* Kingdom.
14 *Act for raiſing the* Annuity *of Fourty thouſand pounds Sterling, granted to His Majeſty.*
15 *Act reſcinding and annulling the pretended* Parliaments, *in the years*, 1640, 1641, &c.
16 *Act concerning Religion and* Church Government.
17 *Act for a Solemn anniverſary Thanksgiving, for his Majeſties Reſtauration to the Royal Government of His Kingdoms.*
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20 *Act againſt* Curſing *and beating of* Parents.
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27 *Act for the* Pardon *of* Penal *Statutes.*
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30 *Act anent the Fewers and Vaſſals of Kirk-lands.*
31 *Act concerning the Regiſtration of* Compriſings.
32 *Act concerning Heretable and Moveable Bonds.*
33 *Act for the right* Packing *of Salmond.*
34 *Act againſt clandeſtine and unlawful Marriages.*
35 *Act concerning the Election and charges of the Commiſſioners from Shires to the* Parliament.
36 *Act anent preſentation of Miniſters.*
37 *Act concerning the Bullion.*
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39 *Act for the Fiſhings, and erecting of companies for promoving of the ſame.*
40 *Act for erecting of Manufacturies.*
41 *Act for planting and Incloſing of Ground.*
42 *Act eſtabliſhing companies and Societies, for making Linnen-cloath, Stuffs*, &c.
43 *Act diſcharging the Exportation of Linnen-Yarn, and regulating the breadth of Linnen-cloath*, &c.
44 *Act for incouraging of Shipping and Navigation.*
45 *Act diſcharging the Exportation of Skins, Hides*, &c.

46 *Act diſcharging the Exportation of Woollen-Yarn, Worſtead, broken Copper and Pewter, &c.*
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49 *Act Reducing the Annuals to Six for the Hundred.*
50 *Act and Offer of Twelve thouſand pounds Sterling to the Lords of Seſſion.*
51 *Act concerning Arreaſtments.*
52 *Act concerning the diſpoſal of Vacand Stipends.*
53 *Act Ratifying the Act of Parliament, 1633. anent the Annexation of his Majeſties Property.*
54 *Act in favours of Lauck Patrons of Proveſtries, Prebendaries, Chaplanries and Alterages.*
55 *Act anent Cocquets and Entries of Ships.*
56 *Act anent Coal-hewers.*
57 *Act diſcharging the Cuſtom of two and an half of the hundred, and the Impoſt of four pounds on the Tun.*
58 *Act in favours of thoſe who get their Ward-holding changed by the Kings Majeſty.*
59 *Act anent the Exchequer.*
60 *Act concerning Docqueting of Signatures.*
61 *Commiſſion for Plantation of Kirks and Valuation of Teinds.*
62 *Act for ordering the paiment of Debts betwixt Creditor and Debitor.*
63 *Act* Salvo jure cujuſlibet.
64 *Act of Adjournment.*

FINIS.

LAWS

LAWS AND ACTS

Paſt in the SECOND

SESSION

Of the FIRST

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Holden at *Edinburgh* by the Noble Lord, *John* Earl of *Middleton*, Lord *Cleremont* and *Fettercairn*, *His* MAJESTIES *Commiſsioner*.

Begun at *Edinburgh* upon the eight of *May*, and continued to the ninth of *September*, 1662.

I.

ACT for the Reſtitution and Re-eſtabliſhment of the Ancient Government of the Church by Arch-biſhops *and* Biſhops.

FORASMUCH as the ordering and diſpoſal of the external Government and policy of the Church, doth properly belong unto his Majeſty, as an inherent right of the Crown, by vertue of his Royal Prerogative and Supremacy in cauſes Eccleſiaſtical. And in diſcharge of this Truſt, his Majeſty, and his Eſtates of Parliament, taking to their ſerious conſideration, that in the beginning of, and by, the late Rebellion within this Kingdom, in the year, one thouſand, ſix hundred and thirty ſeven, the ancient and ſacred order of Biſhops was caſt off, their Perſons and rights were injured and overturned, and a ſeeming parity among the Clergy factiouſly and violentlie brought in, to the great diſturbance of the publick Peace, the reproach of the reformed Religion, and violation of the excellent Laws of the Realm, for preſerving an orderly ſubordination in the Church: And therewithal conſidering, what diſorders and exorbitances have been in the Church, what encroachments upon the Prerogative and Rights of the Crown, what uſurpations upon the Authority of Parliaments, and what prejudice the liberty of the Subject hath ſuffered by the invaſions made upon the Biſhops and Epiſcopal Government, which they find to be the Church-Government, moſt aggreeable to the word of God, moſt convenient and effectual

for the preſervation of Truth, Order and Unity, and moſt ſuitable to Monarchy and the Peace and Quiet of the State. Therefore, His Majeſty with advice and conſent of his Eſtates of Parliament, hath thought it neceſſar, and accordingly doth hereby Redintigrat the State of Biſhops to their ancient places and undoubted priviledges in parliament, and to all their other accuſtomed Dignities, priviledges and Juriſdictions; and doth hereby Reſtore them to the exerciſe of their Epiſcopal Function, preſidence in the Church, power of Ordination, inflicting of Cenſures, and all other Acts of Church-diſcipline, which they are to perform, with advice and aſsiſtance of ſuch of the Clergy as they ſhall find to be of known loyalty and prudence. And, his Majeſty with advice foreſaid, doth Revive, Ratifie and Renew all Acts of any former Parliaments, made for the eſtabliſhment, and in favours of this ancient Government. And doth Ratifie and approve all Acts and Proclmations emitted by his Majeſty or His Privy Councel, ſince the firſt day of *June* laſt, in order to the reſtitution of Biſhops. And further it is hereby Declared, that whatever ſhall be determined by his Majeſty, with advice of the Arch-biſhops and Biſhops, and ſuch of the Clergy as ſhall be nominated by his Majeſty, in the external Government and Policy of the Church (the ſame conſiſting with the ſtanding Laws of the Kingdom) ſhall be valide and effectual. And his Majeſty, conſidering how neceſſar it is, that all doubts and ſcruples, which from former Acts or Practices may occur to any concerning this ſacred Order, be cleared and removed, Doth therefore, of certain knowledge, and with advice foreſaid, Reſcind, Caſs and Annull all Acts of Parliament, by which the ſole and only power and juriſdiction within this Church, doth ſtand in the Church, and in the general, provincial and presbyterial Aſſemblies, and Kirk-Seſſions; And all Acts of Parliament or Council which may be interpreted to have given any Church-power, Juriſdiction or Government, to the Office-bearers of the Church, their reſpective Meetings, other then that which acknowledgeth a dependance upon, and ſubordination to the ſoveraign Power of the King, as Supream; and which is to be regulated and authorized, in the exerciſe thereof, by the Arch-biſhops and Biſhops who are to put order to all Eccleſiaſtical matters and cauſes, and to be accountable to his Majeſty for their Adminiſtrations. And particularly, his Majeſty with advice foreſaid, doth Reſcind and Annull the firſt Act of the twelfth Parliament of King *James* the ſixth, holden in the year, one thouſand, five hundred and ninety two, and Declares the ſame, aud all the heads, clauſes and articles thereof, void and null, in all time comming. And His Majeſty, conſidering, that the Juriſdiction of the Commiſſariots is a proper part of the Rights and Priviledges belonging to the Biſhops, Doth therefore, with advice foreſaid, Reſtore the Arch-biſhops and Biſhops to their ſaid juriſdiction of Commiſſariots, according to the ſixth Act of the Parliament, one thouſand, ſix hundred and nine, which is hereby Ratified and Renewed: And accordingly Ordains, that in all time comming the Quotes of Teſtaments be payed in to the Arch-Biſhops and Biſhops, in their reſpective Dioceſes, as formerly; and Reſcinds and Annuls the twenty eight Act of the laſt Seſſion of this preſent Parliament, anent the Quotes of Teſtaments, and declares the ſame void in all time comming. It is alwayes hereby Declared, that this Act is without Prejudice of the preſent Commiſſaries, their Clerks and Fiſcals, their enjoying their Places and benefits thereof, conform to their Gifts and Laws of this Kingdom; unleſs, for their inſufficiency or miſdemeanors, they be found uncapable of the ſame. Further, His Majeſty, with advice and conſent foreſaid, Statutes and Ordains, That no Act, Gift, or Deed, paſſed by whatſoever Authority, ſince the interruption of the Government by Arch-biſhops and Biſhops, in the year one thouſand, ſix hundred and thirty ſeven, to the prejudice of their Rights, Patronages, Admiralities, Superiorities, Rents, Poſſeſſions and Juriſdictions pertaining to the ſeveral Biſhopricks, ſtand valide or be in force. But that the ſaids Arch-biſhops and Biſhops may have their Claim, Right and Poſſeſſion, for the year one thouſand, ſix hundred, and ſixty one, and all years following, to whatſoever was poſſeſt by, or by the Laws of the Kingdom was due to their Predeceſſors in *anno*, one thouſand, ſix hundred, and thirty ſeven; and that notwithſtanding of any donation or rights made to Colledges, Churches, Corporations, Miniſters, or any other perſons, ſince the year one thouſand, ſix hundred, and thirty ſeven, by whatſoever Order, Deed ot Warrand, excepting as is aforeſaid, in favours of Commiſſaries, Clerks and Fiſcals: And whereas, divers perſons having right to Lands, Annualrents, or ſome other eſtate holden formerly of Biſhops, or who had ſucceeded or acquired Rights to the ſaids Lands, and others of the nature and holding foreſaid, have been forced, during the late troubles, there being no other way or ſuperior for the time, to obtain themſelves infeft therein, holden of His Majeſty or his Royal Father, or of their Donators, having right for the time; and to that effect did take Precepts out of the Chancery, and to paſs Infeftments under the great Seal, and to obtain Precepts and Charters from the ſaids other perſons who had right to their Superiorities for the time. And His Majeſty being graciouſly pleaſed, that ſuch Rights and Infeftments as, for the time, were neceſſary and of courſe taken and paſt in manner foreſaid, ſhould not be prejudged; Therefore it is ſtatute and declared, That all perſons, who, ſince the beginning of the Troubles, in the year one thouſand, ſix hundred and thirty eight, are entered or infeft by his Majeſty or his Royal Father, by the pretended Authority for the time; or any other perſon having right from them in any Land or Eſtate holden immediatly of the Biſhops before the ſaids troubles, ſhall now hold the ſame of the Arch-biſhops and Biſhops, their lawful Superiors, in the ſame manner as they, their Predeceſſors and Authors, held the ſame betore the late troubles.

bles. And it is Declared, That neither this nor any other Act of the laſt or preſent Seſſion of this Parliament, ſhall prejudge any Retours, Signators, Charters, Precepts, Inſeſtments, Seizings of Lands, Annualrents, or any other Eſtate holden immediatly of Biſhops, whereby the ſame are retoured, or Inſeſtments of the ſame are taken to be holden of the King or his Donators ſince the time foreſaid, upon Retours, Reſignations, Compriſings, Adjudications, or by way of confirmation, or Precepts of *clare conſtat* or otherwayes; which Inſeſtments being orderly paſt as they ought to have been for the time, with the Retours, Signators and other Warrands of the ſame, His Majeſtie with conſent foreſaid, doth Ratifie and approve, and Declares to be valide Rights, as if the ſame had been granted or renewed by the ſaids Arch-biſhops or Biſhops. It is alwayes Declared, that the Declaration and Ratification foreſaid, ſhall not be extended to any new Gift or Grant, or any other Clauſe or Right contained in the ſaids Inſeſtments or Signators, or other Warrands of the ſame, whereby any new Gift or original Right of the ſaids Lands and others are given, or the Right of the ſame is granted or conveyed otherwayes then conform to the Rights and Inſeſtments thereof, before the time aforeſaid. Likeas it is Declared, That the ſaid Ratification and Declaration foreſaid, ſhall not corroborat or import any Ratification to the ſaids Vaſſals their former Rights, which are to be in the ſame caſe as they were in the beginning of the ſaids troubles, in the year foreſaid; In regard it is His Majeſties intention; likeas it is Declared by His Majeſty, with conſent foreſaid, That the Arch-Biſhops and Biſhops ſhall be, as to their Patrimony and Rents, in the ſame caſe and condition as they were in the year foreſaid, notwithſtanding of whatſoever Acts of the pretended Parliaments, ſince the time foreſaid, to the contrair; And notwithſtanding of whatſoever Rights, Grants or Deeds flowing from, or depending upon, or done or granted by vertue of any Act or Acts of the ſaid pretended Parliaments, which His Majeſtie with conſent foreſaid, doth Declare, Decern and Determine to be void and null, except in ſo far as is reſerved and ratified in manner abovewritten. It is hereby Declared, That this Act of Reſtitution ſhall give no Right to any of the ſaids Arch-Biſhops or Biſhops, or their Succeſſors, nor to the Heirs or Executors of the deceaſed Biſhops, of any Rents belonging to the Arch-biſhopricks or Biſhopricks preceeding the year, one thouſand, ſix hundred and ſixty one, after the ſaid year one thouſand, ſix hundred and thirty eight; but that all the ſaids Rents intrometted with by, and pertaining to, ſuch perſons as had right thereto for the time, and wherewith they have or might have intrometted, ſhall be ſecured to them. As alſo, all ſuch perſons who, *bona fide*, have made payment of their Few-duties, Teinds and Teind-duties, and others Rents of their Biſhopricks, are and ſhall be alſo ſecured, for bygones allannerly, free of any action or queſtion, notwithſtanding of this preſent Act or any thing therein contained.

II

ACT for preſervation of His Majeſties *Perſon, Authority and Government.*

THe Eſtates of Parliament taking into their conſideration, the miſeries, confuſions, bondage and oppreſſions, this Kingdom hath groaned under ſince the year, one thouſand, ſix hundred, and thirty ſeven, with the cauſes and occaſions thereof, Do with all humble duty and thankfulneſs acknowledge His Majeſties unparrallel'd grace and goodneſs, in paſſing by the many miſcarriages of His Subjects, and reſtoring the Church and State to their ancient Liberties, Freedom, Rights and Poſſeſſions; and the great Obligations thereby lying upon them to expreſs all poſſible care and zeal in the preſervation of His Majeſties Perſon, (in whoſe honour and happineſs conſiſteth the good and welfare of His people) and in the ſecurity and eſtabliſhment of His Royal Authoritie and Government, againſt all ſuch wicked attempts and practices for the time to come. And ſince the riſe and progreſs of the late troubles, did, in a great meaſure proceed from ſome treaſonable and ſeditious poſitions infuſed into the people, *That it was lawfull to Subjects, for Reformation, to enter into Covenants and Leagues, or to take up Arms againſt the King, or thoſe Commiſſionated by Him, and ſuchlike*: And that manie wilde and rebellious courſes were taken and practiſed in purſuance thereof, by unlawful meetings and gatherings of the people, by mutinous and tumultuarie petitions, by inſolent and ſeditious Proteſtations againſt His Majeſties Royal and juſt Commands, by entering into unlawful Oaths and Covenants, by uſurping the name and power of Council Tables, and Church Judicatories, after they were by His Majeſty diſcharged, by treaſonable Declarations, that His Majeſty was not to be admitted to the exerciſe of his Royal power, untill he ſhould grant their unjuſt deſires and approve their wicked practices, by rebellious riſing in Arms againſt his Majeſty and ſuch as had Commiſſion from Him; And by the great countenance, allowance and encouragement given to theſe pernicious courſes by the multitude of ſeditious Sermons, Libels and Diſcourſes, preached, printed and publiſhed in defence thereof. And conſidering, that as the preſent age is not fully freed of thoſe Diſtempers, ſo poſterity may be apt to relapſe therein, if timeous remeid be not provided. Therefore the King's Majeſty and Eſtates of Parliament

liament do Declare, that theſe poſitions, *That it is lawful to ſubjects, upon pretence of Reformation, or other pretence whatſoever, to enter into* Leagues *and* Covenants, *or to take up Arms againſt the King; or that it is lawful to ſubjects, pretending His Majeſties Authority, to take up Arms againſt His Perſon or thoſe commiſſionated by Him, or to ſuſpend Him from the exerciſe of His Royal Government, or to put limitations upon their due obedience and allegiance*, Are Rebellious and Treaſonable: And that all theſe Gatherings, Convocations, Petitions, Proteſtations and Erecting and keeping of Council-tables, that were uſed in the beginning, and for carrying on, of the late troubles, were unlawful and ſeditious: And particularly, that theſe Oaths, whereof the one was commonly called *The National Covenant*, (as it was ſworn and explained in the year one thouſand, ſix hundred and thirty eight, and thereafter) and the other entituled, *A Solemn League and Covenant*, were, and are in themſelves unlawful Oaths, and were taken by, and impoſed upon, the Subjects of this Kingdom, againſt the fundamental Laws and Liberties of the ſame; and that there lyeth no obligation upon any of the Subjects from the ſaids Oaths, or either of them, to endeavour any change or alteration of Government either in Church or State; And therefore Annuls all Acts and Conſtitutions, Eccleſiaſtical or Civil, approving the ſaid pretended *National Covenant*, or *League and Covenant*, or making any interpretations of the ſame or either of them. And alſo it is hereby Declared by his Majeſty and Eſtates of Parliament, That the pretended Aſſembly, keept at *Glaſgow* in the year one thouſand, ſix hundred, and thirty eight, was in it ſelf (after the ſame was by His Majeſty diſcharged, under the pain of treaſon) an unlawful and ſeditious Meeting; and that all Acts, Deeds, Sentences, Orders or Decreets paſt therein, or by vertue of any pretended Authority from the ſame, were in themſelves from the beginning, are now, and in all time comming, to be reputed unlawful, void and null: And that all Ratifications or Confirmations of the ſame, paſt by whatſoever Authority or in whatſoever Meetings, ſhall from henceforth be void and null. Like-as, His Majeſty and Eſtates of Parliament, reflecting on the ſad conſequences of theſe rebellious courſes, and being careful to prevent the like for the future, have therefore Statute and Ordained, and by theſe preſents Statutes and Ordains, That if any perſon or perſons ſhall hereafter plot, contrive or intend death or deſtruction to the Kings Majeſty, or any bodily harm tending to death or deſtruction, or any reſtraint upon His Royal Perſon, or to deprive, depoſe or ſuſpend Him from the ſtile, Honour and Kingly Name of the Imperial Crown of this Realm, or any others His Majeſties Dominions, or to ſuſpend Him from the exerciſe of His Royal Government, or to levy War or take up Arms againſt His Majeſty or ony commiſſionated by Him, or ſhall entice any ſtrangers or others to invade any of His Majeſties Dominions; and ſhall by writing, printing, preaching or other malicious and adviſed ſpeaking, expreſs or declare ſuch their treaſonable intentions, every ſuch perſon or perſons, being upon ſufficient probation legally convicted thereof, ſhall be deemed, declared and adjudged Traitors, and ſhall ſuffer forfeiture of life, honour, lands and goods as in caſes of high Treaſon. And further, it is by His Majeſty and Eſtates of Parliament Declared, Statute and Enacted, That if any perſon or perſons ſhall, by Writing, Printing, Praying, Preaching, Libelling, Remonſtrating, or by any malicious and adviſed ſpeaking, expreſs, publiſh or declare any words or ſentences to ſtir up the people to the hatred ot diſlike of His Majeſties Royal Prerogative & Supremacy in cauſes Eccleſiaſtick, or of the Government of the Church by Archbiſhops and Biſhops as it is now ſetled by Law, or to Juſtifie any of the deeds, actings, practices or things above-mentioned and declared againſt by this preſent Act, that every ſuch perſon or perſons ſo offending, and being, as ſaid is, Legally convicted thereof, are hereby declared incapable to enjoy or exerce any place or imployment, Civil, Eccleſiaſtical or Military, within this Church and Kingdom, and ſhall be lyable to ſuch further pains as are due by the Law in ſuch caſes; Provided alwayes, that no perſon be proceſſed for any of the offences aforeſaid, contained in this Act, (other then theſe that are declared to be high Treaſon) unleſs it be by order from His Majeſty, or by order of His Privy Council for the time; neither ſhall they incur any of the penalties above-mentioned, unleſs they be purſued within eight Moneths after the offence committed, and ſentenced thereupon within four Moneths after the intenting of the Proceſs. And it is alſo Declared, That if his Majeſty grant His pardon to any perſon convicted for any of the offences contained in this preſent Act; After ſuch pardon, the party pardoned ſhall be reſtored to all intents and purpoſes, as if he had never been purſued nor convicted, any thing in this Act to the contrary, notwithſtanding.

III.

Act concerning ſuch Benefices and Stipends as have been poſſeſſed without preſentations from the lawful PATRONS.

THE Kings moſt Excellent Majeſty being deſirous, that all His good Subjects may be ſenſible of the happy effects and fruits of the Royal Government, by a free, peaceable and ſafe enjoyment of their due intereſts and properties under His protection; and that in His reſtitution they may find themſelves reſtored to theſe Rights, which by Law were ſecured unto them, and by the violence and unjuſtice of theſe late troubles and confuſions have been wreſted from them: And conſidering, that notwithſtanding the right of

of Patronages be duly ſetled and eſtabliſhed by the ancient and fundamental Laws and Conſtitutions of this Kingdom; Yet, divers Miniſters in this Church have, and do poſſeſſe Benefices and Stipends in their reſpective Cures without any Right or Preſentation to the ſame from the Patrons. And it being therefore moſt juſt, that the lawful and undoubted Patrons of Kirks be reſtored to the poſſeſſion of the Rights of their reſpective Advocations, Donations and Patronages; Therefore, His Majeſty, with advice and conſent of His Eſtates of Parliament, Doth Statute and Ordain, That all theſe Miniſters who entered to the Cure of any paroch in Burgh or Land within this Kingdom, in or ſince the year one thouſand, ſix hundred and fourty nine (at and before which time the patrons were moſt injuriouſly diſpoſſeſſed of their patronages) have no right unto, nor ſhall receive, uplift nor poſſeſſe the rents of any Benefice, modified Stipend, Manſe or Gleib for this preſent cropt, one thouſand, ſix hundred and ſixty two, nor any year following, but their places, Benefices and Kirks are, *ipſo jure*, vacand. Yet, His Majeſtie, to evidence His willingneſs to paſs by and cover the miſcarriages of His people, Doth, with advice foreſaid, Declare, That this Act ſhall not be prejudicial to any of theſe Miniſters in what they have poſſeſſed, or is due to them, ſince thier admiſſion: And that every ſuch Miniſter who ſhall obtain a preſentation from the lawful patron, and have Collation from the Biſhop of the Dioceſſe where he liveth, betwixt and the twentieth of *September* next to come, ſhall from thenceforth have right to, and enjoy his Church, Benefice, Manſe and Gleib, as fully and freely as if he had been lawfully preſented and admitted thereto at his firſt entry, or as any other Miniſter within the Kingdom doth or may do. And for that end, it is hereby Ordained, That the reſpective patrons ſhall give preſentations to all the preſent Incumbents, who in due time ſhall make application to them for the ſame. And in caſe any of theſe Churches ſhall not be thus duly provided before the ſaid twentieth of *September*, then the patron ſhall have freedom to preſent another betwixt and the twentieth day of *March*, one thouſand, ſix hundred and ſixty three; which if he ſhall refuſe or neglect, the preſentation ſhall then fall to the Biſhop, *jure devoluto*, according to former Laws. And ſuchlike His Majeſtie, with advice foreſaid, doth Statute and Ordain the Archbiſhops and Biſhops to have the power of new Admiſſion and Collation to all ſuch Churches and Benefices as belong to their reſpective Sees, and which have vaked ſince the year one thouſand, ſix hundred and thirty ſeven: And to be careful to plant and provide theſe their own Kirks conform to this Act.

IV.

ACT concerning Maſters of Univerſities, Miniſters, &c.

THe King's moſt Excellent Majeſty, according to the laudable example of His Royal progenitors in former parliaments, Doth, with advice and conſent of His Eſtates conveened in this preſent parliament, Ratifie and Approve all and whatſoever Acts and Statutes heretofore made, concerning the liberty and freedom of the true Church of God, and the Religion now profeſſed and eſtabliſhed within this Kingdom: And conſidering how neceſſar it is for the advancement of Religion and Learning, for the good of the Church, and peace of the Kingdom, that the Univerſities, and Colledges be provided and ſerved with profeſſors, principals, Regents and Maſters, well effected to His Majeſty and the eſtabliſhed Government in Church and State; His Majeſty, with advice foreſaid, Doth Statute, Ordain and Enact, That from this time forth, no Maſters, principals, Regents, nor other profeſſors in Univerſities or Colledges within this Kingdom, be admitted, nor allowed to continue in the exerciſe of any Function within the ſame, but ſuch as are of a pious, loyal and peaceable converſation, ſubmitting to, and owning the Government of the Church by Archbiſhops and Biſhops, now ſetled by Law; and who having given ſatisfation therein to the Biſhops of the reſpective Dioceſſes and patrons, and having, in their preſence, taken the Oath of Alleagiance, ſhall procure their atteſtation of the ſame; that is to ſay, the profeſſors and other Maſters of the Univerſities of St. *Andrews*, *Glaſgow* and *Aberdeen*, to have the approbation and atteſtation of the Archbiſhops and Biſhops, who are the reſpective Chancellors of the ſaids Univerſities; and the profeſſors and other Maſters of the New-toun Colledge in *Aberdeen* and Colledge of *Edinburgh*, to have the approbation of the reſpective patrons, the Earl of *Marſhal*, and Magiſtrates of *Edinburgh* and *Aberdeen*, and an atteſtation and certificat under the hand of the Biſhops of *Edinburgh* and *Aberdeen*, *reſpective*, that they have taken the Oath of Alleagiance, and that they are perſones who ſubmit to, and own the Church-government as now ſetled by Law. Likeas, His Majeſty finding it neceſſary for the peace and quiet of the Church, that the Miniſters be ſuch as will acknowledge, and comply with, the preſent Government of the ſame, Doth therefore, with advice foreſaid, Statute and Enact, That whatſoever Miniſter ſhall, without a lawfull excuſe to be admitted by his Ordinary, abſent himſelf from the viſitations of the Dioceſſe, which are to be performed by the Biſhop or ſome of the Miniſters to be appointed by him, or from the dioceſian Aſſembly; or who ſhall not, according to his duty, concur therein, or who ſhall not give their aſſiſtance in all the Acts of Church-diſcipline, as they ſhall be required thereunto by the Archbiſhop or Biſhop of the Dioceſſe, every ſuch Miniſter ſo offending ſhall, for the firſt fault, be ſuſpended from his Office and Benefice till the nixt dioceſian Meeting; and if he amend not, ſhall be deprived, and the Church and Benefice to be provided as the Law alloweth in other

cases of Vacancies. And his Majesty considering, that under the pretext of Religious excercises, divers unlawful Meetings and Conventicles (the nurseries of sedition) have been kept in private families; Hath thought fit, with advice foresaid, hereby to Declare, That as he doth, and will, give all due encouragement to the Worship of God in families amongst the persons of the family, and others who shall be occasionally there for the time, so he doth hereby Discharge all private Meetings or Conventicles in houses, which under the pretence of, or for, Relilgious excercises, may tend to the prejudice of the publick worship of God in the Churches, or to the alienating of the people from their lawful Pastours, and that duty and obedience they owe to Church and State, And it is hereby Ordained, That none be hereafter permitted to preach in publick or in families within any Dioceſſe, or teach any publick School, or to be pedagogues to the children of persons of quality, without the licence of the Ordinary of the Dioceſſe.

V.

ACT concerning the Declaration to be signed by all persons in publick Trust.

FOrasmuch as it hath pleased Almighty God, in His Majesties Restitution to His Royal Government, to restore this Kingdom to its ancient liberties and peace, and to deliver His Majesties good Subjects from these miseries and bondage whereby they have been oppressed, during these troubles; And the Estates of Parliament, finding themselves obliged in a due resentment of this mercy, and in discharge of that duty they owe to God, to the Kings Majesty, to the publick peace of the Kingdom, and the good of His Subjects, To use all means for the due preservation of that peace and happiness they now enjoy under His Royal Government; and to prevent and suppresse every thing that may tend to the renewing or favouring of these courses, by which, the late Rebellion hath been fomented and carried on; And conceiving, that the imploying of persons of found principles and intire loyalty, in all offices of Trust and places of publick Administration, will conduce much to these ends: Therefore, and for quieting the spirits of His Majesties good Subjects, and begetting a confidence in them of their security for the future; His Majesty hath thought fit, with advice and consent of His Estates of Parliament, to Statute, Ordain and Enact; Likeas His Majesty, by these presents, doth, with advice foresaid, Statute, Ordain and Enact, That all such persons as shall hereafter be called or admitted to any publick Trust or Office, under His Majesties Government within this Kingdom; that is to say, to be Officers of State, Members of Parliament, privy Councellors, Lords of Session, Commissioners in Exchequer, Members of the Colledge of Justice, Sheriffs, Stewarts or Commissaries, their Deputs and Clerks, Magistrates and council of Borroughs, Justices of Peace and their Clearks, or any other publick Charge, Office and Trust within this Kingdom; shall at and before their admission to the exercise of such places or Offices, publickly, in face of the respective Courts they relate to, subscribe the Declaration under-written: And that they shall have no right to their said Offices or Benefites thereof, untill they subscribe the same as said is; but that every such person who shall offer to enter and exerce any such Office, before he subscribe the Declaration, is to be reputed and punished as an usurper of His Majesties Authority, and the place to be disposed to another. Likeas His Majesty doth, with advcie foresaid, remit to His Commissioner, to take such course as he shall think fit, how these who are presently in Office may subscribe the said Declaration. And it is hereby Declared, that this Act is without prejudice of any former Acts, for taking the Oath of Alleagiance and asserting the Royal Prerogative.

I *Do sincerely affirm and declare, that* I *judge it unlawful to* Subjects, *upon pretence of* Reformation *or other pretence whatsoever, to enter into* Leagues *and* Covenants, *or to take up* Armes *against the* King *or those commissionated by Him*: *And that all these* Gatherings, Convocations, Petitions, Protestations, *and erecting and keeping of* Council-tables, *that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called,* The National Covenant, (*as it was sworn and explained in the year, one thousand, six hundred and thirty eight, and thereafter*) *and the other entituled,* A Solemn League and Covenant, *were, and are, in themselves unlawful Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same. And that there lyeth no obligation upon me, or any of the Subjects from the saids* Oaths, *or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.*

ACT

VI.

Act for ſuppreſſing of Theft, Robberies and Depredations.

OUR SOVERAIGNE LORD conſidering, That notwithſtanding the many laudable Laws made by His Royal Progenitors, for ſuppreſſing of Theft, Robberies, Depredations, &c. Yet ſome inſolent perſons have of late, and daily do commit ſeveral Out-rages, Thefts and Robberies upon the perſons and goods of divers of His Majeſties faithful Subjects, to the diſhonour of Religion, contempt of His Majeſties Authority, and reproach of the Nation. And His Majeſty being moſt willing to remedy theſe inſolencies for the future, that ſo all His good Subjects may find the fruit and effect of His happy Reſtauration, in the ſafe protection of their perſons, and ſecure poſſeſſion of their goods; Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Ordain, That whenſoever any Oppreſſions, Heriſhips, Reifs, Sornings, Thefts, Robberies or Depredations ſhall happen to be committed within any part of this Kingdom, by whatſoever perſon or perſons; the owner of the Goods away-taken ſhall immediatly after the way-taking of the ſame, by himſelf or ſome in his name, give intimation thereof to the Sheriff of the Shire or his Deputes, or any of the Juſtices of Peace or Conſtables within the Paroch out of which the Goods are taken, as can be moſt conveniently had; and which Sheriff, Juſtice of Peace or Conſtable, ſhall immediatly upon intimation foreſaid, under the pain of being lyable in the reſtitution of the Goods away-taken, or paiment of the value thereof, command and require all ſenſible perſons within the ſaid Paroch, to concur and go along with them in the purſute of the ſaid Goods and Way-takers thereof; and which perſons are hereby obliged to obey under the pain foreſaid. And in caſe it ſhall happen the ſaids Theevs or Robbers, to paſs through or reſt in any other Paroch where the Juſtices of Peace, Conſtables, Heretors, Wodſetters and Fewers within the ſame are able to ſtop and oppoſe the Carrying away of the ſaids Goods, then and in that caſe the ſaids Juſtices of Peace, Conſtables, Heretors, Wodſetters and Fewers, ſhall be themſelves, tennants and ſervants, and ſuch as they can command, make oppoſition, and ſeize upon the Goods and Drivers thereof; and ſhall be obliged upon complaint made to the Sheriff or his Deputes, or any of the ſaids Juſtices of Peace, by the owners of the ſaids Goods or any having power from the owner for that effect, to reſtore the ſaids Goods within fifteen dayes after the requiring thereof, and deliver or ſecure the Drivers and Way-takers thereof, that they may underly the Law. And in caſe the committers of the foreſaid crime be ſo numerous and powerful that they cannot be ſtopt and maſtered by the inhabitants of the ſaid Paroch, then the ſaids whole ſenſible inhabitants ſhall be obliged, under the pain foreſaid, to riſe in Arms and follow and purſue them, and require all the ſenſible perſons in any other Paroch they ſhall happen to paſs through to joyn with them (and which perſons ſhall be obliged to do the ſame, under the pain of being lyable for the Goods or value thereof, as ſaid is) in the proſecution and recovery of the ſaids Goods, that ſo the Goods may be reſtored to the right owners, and the Depredators puniſhed according to Law. It is likewiſe Statute and Ordained, That if the purſuer of the Goods ſhall not be able, after all his utmoſt endeavours, with concurrence aforeſaid, to recover the ſaids Goods and apprehend the Way-takers thereof, then and in that caſe the reſpective Heritors, Wodſetters and Fewers within the Paroch wherein the Goods ſhall be found to have been diſpoſed of or ſparpelled, ſhall be lyable for the value of the ſaids Goods according to their ſeveral intereſts. And further it is Statute and Ordained, That in caſe it ſhall happen the parties whoſe Goods ſhall be taken away, or thoſe that are obliged to riſe with them in manner foreſaid, to ſlay, hurt or mutilat in the ſaid purſute, any of the Way-takers thereof or their aſſociats; yet notwithſtanding they ſhall never be drawn in queſtion, nor lyable in any purſute, Civil or Criminal, for the ſaid ſlaughter, mutilation or other hurt, but are hereby as freely remitted as if they had our Soveraign Lords ſpecial Commiſſion for that effect. And for the better ſuppreſſing of the foreſaids Thefts, Robberies and Depredations, and puniſhing of the perſons committers thereof, the Sheriffs in the reſpective Shires and their Deputes, are hereby ſtrictly required to put in execution the power allowed to them by the former Acts and Laws of the Nation, for purſuing and apprehending Robbers and Theeves, with all other perſons who have no certain reſidence nor known way of livelyhood, and that under the pains contained in the foreſaid Acts *reſpective*. And for defraying of the ſaids Sheriffs and their Deputes their charges, and rewarding their pains, the Lands, Goods and Geer of the ſaids Theeves and Robbers and their Reſſetters, and the Reſſetters of ſuch perſons as have no certain reſidence nor known way of lively-hood, as ſaid is, ſhall be made uſe of and imployed, at leaſt, ſo much thereof as the Lords of His Majeſties Privy Council ſhall think fit upon conſideration of the caſe.

And further it is Statute and Ordained, That the In-bringer of every Robber and Theef, after he is outlawed and denunced Fugitive, ſhall have two hundred pounds Scots for every Theef and Robber ſo apprehended and brought in: And all Sheriffs of Counties and their Deputes; Magiſtrates of Burghs and Juſtices of Peace are hereby required to receave the ſaid Theef or Robber off their hands without delay, giving the In-bringer of the ſaid Theef or Robber a receipt thereof under his or their hands: To the end, he may repair to His Majeſties Secret Council, and receive the reward afore-mentioned.

VII.

Act for the allowance of ten thousand pounds Scots, yearly, to the Lords of Session, out of His Majesties Customs.

THe Kings most excellent Majesty taking to His consideration, how much His own honour, the general good of the Kingdom, and the particular interests of His Subjects, of all ranks within the same, are concerned, in the speedy and equal administration of Justice; and how necessar it is, in order thereunto, that the Senators of the Colledge of Justice, who are the only ordinar supream Judges of this Realm, in all Civil causes, be provided with a competent and suteable allowance for the defraying of the charge and expence they are put to, in their attendance on the discharge of that publick Trust; Hath therefore, out of His princely care, thought fit to grant the saids Senators of the Colledge of Justice, an addition of ten thousand pounds Scots to be payed unto them yearly, and that over and above the former Annuity of ten thousand pounds granted by His Royal Grand-father, in the year one thousand, six hundred, and nine, or what hath been formerly granted to them in this or any other Parliament, or otherwayes doth appertain to them. And His Majesty considering, that this grant will much tend to the profit, advantage and good of His Majesties service and well-fare of His Kingdom, Doth therefore, with advice and consent of his Estates of Parliament, appoint the same to be payed out of the Customs of this Kingdom: And for that end, His Majesty, with advice foresaid, and after mature deliberation had thereupon, dissolves, annuls and infringes from the Crown and Patrimony thereof, the annexation of the Customs of this Realm, in so far as the same may be extended to the said sum of ten thousand pounds, of the first and readiest of the Customs. And now after this dissolution, His Majesty, with advice foresaid, gives, grants, assignes and dispones to the saids ordinar Lords and Senators of the Colledge of Justice, and their Successors in the said Office and Trust, in all time coming, all and whole the sum of ten thousand pounds usual money of Scotland, to be uplifted and receaved by them, and their Collectors appointed by them, at two termes in the year, Whitsunday and Mertimas, by equal portions, forth of the first and readiest of His Majesties Customs, or any part thereof, from his Majesties Thesaurer, Deput-thesaurer, Receavers, Tacks-men, Possessors, Intromettors with the saids Customs, and others lyable in paiment thereof, present and to come; beginning the first termes paiment thereof from the feast and terme of Mertimas last by past, one thousand, six hundred, and sixty one years, and so forth, yearly and termly thereafter at the termes foresaids in all time coming; charging herefore the said Thesaurer, Deputy-thesaurer, Receavers, Tacks-men, Possessors, Intromettors with the saids Customs, and others lyable in paiment thereof, present and to come, to make thankful paiment at the termes of paiment above-written, of the foresaid yearly sum of ten thousand pounds to the saids ordinar Lords of Council and Session, their Successors and Collectors in their names, out of the first and readiest of the saids Customs; and that they be preferred in paiment thereof to all and whatsoever other person or persons pretending right to the saids Customs or any part thereof by pension, assignation, gift, or other right or disposition whatsoever. And likewayes commanding the Lords of Exchequer, present and to come, to allow the same to the payers of the said sum of ten thousand pounds, yearly and termely, in the first end of their accounts, upon sight of the saids Lords of Session, or their saids Collectors acquittance upon paiment thereof. And also, His Majesty, with advice and consent foresaid, Decerns and Ordains His Majesties Thesaurer, Deput-thesaurer, Receavers, Tacks-men of, and Intrometters with the saids Customs, present and to come, to become enacted themselves and find sufficient caution, acted in the Books of Council and Session, for the yearly paiment of the foresaid sum of ten thousand pounds to the saids Lords of Session and their Successors, or their Collectors, at the termes and in manner above-expreſt: And at the decease or dimission of any of the persons so enacted, that the next entrant shall become enacted, and find caution to the effect foresaid. As also, at the setting of any new Tacks, the Tacks-men find caution to the effect foresaid; otherwayes, the saids whole Tacks to be null, and the nullity thereof to be decided by way either of action or exception: And that Letters and Executorials of Horning, upon an charge of ten dayes, be directed against them, by deliverance of the saids Lords of Session, for paiment of the said sum of ten thousand pounds in manner above-written. And Decernes and Ordains, That no Suspension be granted in this matter, to whatsoever person or for whatsoever cause, by the Lords of Parliament, Lords of Exchequer, or other Judge whatsoever, except upon consignation of the sums charged for, or production of sufficient acquittances; and that the saids ordinar Lords and Senators of the Colledge of Justice are, and shall be, only Judges for discussing of the saids Suspensions, discharging all other Judges of granting Suspensions, concerning the premisses and discussing of the same, and of their Offices in that part for ever. And to the foresaid Disposition and Assignation of ten thousand pounds, and to the whole Heads and Articles of this Act above written, His Majesty and Estates of Parliament interpones their Consent and Authority, as to an Act which doth highly concern the good and well-fare of the Nation. And His Majesty, for his Highness and His Successors promises, *in verbo Principis*, never to impugn or quarrel the same, nor come in the contrair thereof, directly nor indirectly, in time coming, and the like execution being granted by Act

of

of Parliament in the year, one thouſand ſix hundred and nine, for payment of the ten thouſand pounds then granted to the Lords of the Seſſion; It is hereby appointed by His Majeſty and the Eſtates of Parliament, That in time comming they be paid together; and that all the execution contained in this or that former Act ſhall paſs, and be allowed for paiment of the whole twentie thouſand pounds *Scots* yearlie, as fullie as if the ſaid twenty thouſand pounds had been granted together, and in one ſum, and that this Act had been expreſlie made and granted for the ſame.

VIII.

THE KING'S MAJESTIES

General

REVOCATION.

THe Eſtates of Parliament having conſidered His Majeſties Revocation, paſt under His Royal hand, and this day preſented to them by His Majeſties Advocat, Do Ordain the ſame to be recorded in the Books of Parliament; whereof the tenour followeth.

CHARLES R.

WE CHARLES, *by the grace of* GOD, *King of* Great Britain, France *and* Ireland, Defender of the Faith, *taking to our conſideration, That during the time of the late troubles, and by occaſion thereof, many Writes, Declarations,* Ratifications *and other Deeds may have paſt Our hands, to the prejudice of the Church, Our Eſtate, Patrimony, and juſt intereſt of our Subjects, and derogatory to our honour, the priviledges of our Crown, and dignity of our Perſon, either before we attained to the age of twenty one years or thereafter; as alſo, that many Deeds might have paſt our Royal Fathers hands during the late wars, to the enorm hurt and leſion of His Sacred Majeſty, in all the particular wayes above expreſt, which by the Laws of this our Kingdom can no wayes be binding, or obligatory againſt us, but by vertue of the ſaids Laws may be revocked. And ſeeing, before our return to the Government of our Kingdoms, in* May *one thouſand, ſix hundred and ſixty, we had not the fit occaſion of Judicatories within this our Ancient Kingdom, to whom we (acccording to the practice of our Royal Anceſtors) might have directed our Revocation of ſuch Deeds: Therefore, now after that we are, by the bleſſing of Almighty* God, *returned to the exerciſe of our juſt, lawful and Royal Authority, do, by theſe preſents,* Revock, Caſs, Annul, Retreat *and Reſcind all Acts of pretended Parliaments, Conventions or Councils, Declarations, Treaties or* Ratifications *of the ſame; and all and ſundry Infeſtments, Charters, Gifts,* Donations, Diſpoſitions, Confirmations, Penſions, Tacks, Aſſedations, *and other* Rights *and Deeds whatſoever, conveyed, ſigned or conſented to by us, to whatſoever perſon or perſons, of any* Rents, Lands, Teinds, Patronages, Offices, Few-farmes, Caſualities, Priviledges, Services *and others whatſoever, which the* Laws *and couſuetude of our ſaid Realm alloweth us to* Revock, *either paſt by us in our Minority, or ſince, at any time preceeding the twenty ninth day of* May, *one thouſand, ſix hundred and ſixty, or by our Royal Father of glorious and bleſſed memory, at any time ſince the year one thouſand, ſix hundred and thirty ſeven, to the hurt or prejudice of the Church, His or Our Honour, Eſtate, Patrimony, Priviledges of our Crown,* Dignity *of His or Our Perſon, or juſt right and intereſt of our Subjects. And We Will and* Declare, *and by our Soveraign,* Royal Authority Ordain, *That theſe preſents ſhall be as amply extended, and of as great force ſtrength, and effect, in general and in ſpecial, as any Revocation made by any of our* Royal Predeceſſors, *contained in the Books and* Records *of* Parliament, *which in all heads, clauſes and circumſtances thereof we Will and Ordain to be holden as here repeated. And We Will and Ordain theſe preſents to be as valide, legal and effectual to all intents and purpoſes, as if the ſame had been done and* Regiſtrate *in the Books of Parliament, before our Age of twenty five years; Proteſting ſolemnly, that the omiſſion thereof, nor our abſence forth of our ſaid Kingdom of* Scotland, *at this time, nor want of other Solemnities whatſoever, ſhall be no prejudice to us anent this preſent Revocation, with all which we do diſpence, aud do ſupplie all defects thereof by our Kingly power and Authority Royal;* Declaring *alſo, that albeit we, of favour and benevolence, and for any reſpect or conſideration whatſoever, ſuffer any perſon or perſons to uſe and enjoy any* Priviledges, Poſſeſſions, Lands *or* Rents, Offices *or any other thing falling under the compaſs of this our* Revocation, *the ſame ſhall make no right to the uſers or holders thereof, unleſs the ſame hath been granted or confirmed by us ſince the twenty ninth day of* May, *one thouſand, ſix hundred and ſixty, or ſhall be of new confirmed by us in any time hereafter: But it ſhall be lawful to us and our Succeſſors to intromet therewith, when we or they pleaſe, but any contradiction, and that by vertue of this our Revocation, and Acts and Conſtitutions of our* Realm. *And we do*

Declare, that the Gifts or Confirmations made and granted by us ſince the twenty ninth of May one *thouſand, ſix hundred, and ſixty, and ſuch as ſhall be granted or confirmed by us at any time hereafter, are not, nor ſhall not be comprehended within this* Revocation, *but are excepted out of the ſame; which Revocation we Will and Oraain to be intimate. inſinuat, declared and regiſtrate in the Records of this preſent Parliament now ſitting in* Edinburgh, *and holden by our truſty and well-beloved Couſin and Councillor,* John *Earl of* Middleton, *Our Commiſſioner in Our Name and by Our Authority.* Given at Our Honour of *Hampton*-Court, the fourteenth day of July, one thouſand, ſix hundred and ſixty two, and of Our Reign the fourteenth year.

And His Majeſty, with advice and conſent of His Eſtates of Parliament, doth Declare, that this Revocation is to be extended to all and whatſoever Deeds done in hurt and prejudice of whatſoever Lands, Lordſhips and others annexed to the principallity, or to the Prince who is ſecond Perſon in this Realm. And for the clearing and further ſatisfaction of the Subjects, as to that clauſe, by which all and whatſoever Rights and Deeds, made and done by His Royal Father, are Revoked, which the Laws and Conſuetude of this Kingdom allow His Majeſty to Revoke; His Majeſty, with advice foreſaid, doth Declare, That all ſuch Deeds are only thereby to be Revoked and Reſcinded which were made againſt the Laws and Acts of Parliament in force, before the year one thouſand, ſix hundred, and thirty ſeven; And that this general Revocation ſhall be without prejudice to His Majeſty to make a more ſpecial Revocation hereafter, if His Majeſty ſhall think fit ſo to do.

IX.

Act anent the Teinds belonging to Biſhops and other beneficed perſons.

FOraſmuch, as by the Kings Decreet arbitral, in the Moneth of one thouſand, ſix hundred and twenty ſeven years, His Majeſty found, upon the Submiſſion made by the Biſhops and other Clergy, that the *quota*, or rate of all Teinds pertaining to the Biſhopricks and other Benefices which falleth under the Submiſſion, ſhould be the fifth part of the conſtant rent of Stock and Teind. In which Submiſſion, there is an expreſs Clauſe, that the Biſhops, and others of the Clergy, ſhould enjoy the fruits and rents of their ſeveral Benefices, as they were poſſeſſed by them the time of the ſaid Submiſſion. By which proviſion it appears, that whatſoever Teinds, Parſonage or Vicarage, they were in poſſeſſion of, by leading and drawing the ſame, or by rental Bolls, they were not at all to be valued by the Heritors thereafter. Like-as, till the year one thouſand, ſix hundred, and fourty one, none of the ſaids Teinds, poſſeſſed by the Biſhops and other Beneficed perſons, were valued and approven by any Commiſſion, unleſs by conſent or colluſion, none making oppoſition thereto. And it being reaſonable, that the Rights and Priviledges belonging to the Church-men in the year one thouſand, ſix hundred, and thirty three, ſhould be reſtored to them: Therefore, the Kings Majeſty, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, all valuations of the Teinds, whereof the Biſhops and other beneficed perſons were in poſſeſſion, as ſaid is, led by any pretended Commiſſion for valuation of Teinds, ſince the year one thouſand, ſix hundred, and thirty ſeaven, to be void and null in time coming; And that the ſaids Biſhops and other beneficed Perſons ſhall enter to the ſaid poſſeſſion of rental Bolls, and leading of the ſaids Teinds, Parſonage and Vicarage, this cropt and year of God, one thouſand, ſix hundred, and ſixty two years, and in time coming; Providing alwayes, like-as it is hereby provided, that the Heritors of ſuch Lands, whereof the Teithes belongs to the Arch-biſhops, Biſhops, and other beneficed perſons, being Miniſters, and were ſet in tack, the time of their ſubmiſſion to His Majeſties Father of bleſſed memory, ſhall be in that ſame place and condition they were in, by the Decreet arbitral pronounced thereupon, and by the nineteenth Act of the Parliament held, *Anno*, one thouſand, ſix hundred, and thirty three, Entituled, *Commiſſion for valuation of Teithes*, &c. and ſhall have the full benefit thereof.

X

The Kings Majeſties gracious and free Pardon, Act of Indemnity and Oblivion.

THe Kings moſt Excellent Majeſtie conſidering, that by the late troubles, divers of His Subjects, of this his ancient Kingdom of *Scotland*, have fallen under, and are involved in many great crimes, faults, offences & other deeds of commiſſion & omiſſion, whereby they have contraveened the Laws of this Kingdom, & thereby rendred themſelves lyable to the pains, penalties, cenſures due thereto: And being moſt deſirous, that a perfect peace be ſetled in this Kingdom, and that all His good Subjects may be ſenſible of, and enjoy the happineſs and bleſſings of His Government, and that no crime, offence or other deed whatſoever, committed againſt His Majeſtie, or His Royal Father of bleſſed memory, or by any of His Majeſties Subjects againſt another, in relation to the late troubles, ſhall hereafter riſe in Judgment, or be brought in queſtion againſt any of them before any Judge, Civil or Criminal, to the prejudice either of their lives, Eſtates, Offices, priviledges, Liberties or reputations: But that all ſeeds of future differences, and remembrance of former

pre-

proceedings, may as well by his *Majesty*, as by his Subjects one towards another, be forgotten; and that all names of reproach or distinction which have been used, or may revive the memory of the late differences, be buried in Oblivion. Therefore, His Majestie, of His signal prudence, Grace and Goodness, Doth, with advice and consent of His Estates of Parliament, Declare, Statute and Ordain. That all manner of Treasons, Rebellions, Murthers, Offences, Crimes, Contempts, Injuries, Misdemeanors and all other Deeds, as well of comission as omission, commanded, acted or done by any person or persons, by vertue of any power or warrand of any pretended Parliament, Council or their Committees, Commanders of Armies, or others pretending Authority, under whatsoever title, name or designation, since the first day of *January*, one thousand, six hundred and thirty seven years, and before the first day of *September*, one thousand, six hundred and sixty, (other then such as are hereafter excepted in this present Act) be and are hereby *Pardoned*, *Released*, *Indemnified* and *Discharged*; and that all and every person and persons or Incorporations, Acting, Advising, Assisting or Abetting the same, and their Heirs, Executors, and Successours (except as shall be hereafter excepted) are hereby *Pardoned* and *Indemnified*, and *Discharged* thereof, and of all pains of Forfeiture, Death, Fines, Imprisonment, Banishment. and other pains, Penalties, Action and Question, Civil or Criminal; and of all Decreets, Sentences, Acts or Orders past thereupon, and all other damnage, prejudice and inconveniencies whatsoever, they or any of them might or may be lyable unto for the same. All which Pains, Sentences, and others foresaids, are hereby declared void and null in all time coming; and that this Free and General *Pardon*, *Indemnity* and *Oblivion*, shall be as effectual in Law, to every one of his Majesties Subjects, and bodies politick and incorporat, and person or persons whatsoever, in, for and against all things; (which be not after excepted) as if the saids Persons, Crimes, Offences, Injuries, Deeds, Misdemeanours, Penalties, Decreets, Sentences and Orders, had been specially and particularly here insert. and in expresse words *Pardoned* and *Released*; and that none be hereafter, in any maner of way pursued or questioned for the same, but that these presents shall be in all cases, in Judgment and outwith the same, a sufficient defence and exoneration to all parties concerned: Discharging hereby, all and sundrie Judges, Civil and Criminal, to give order for intenting any Process, either at the instance of his Majesties Advocat, against the Subjects, or at the instance of any of the Subjects against another, for any of the saids Crimes, Faults, Offences or other deeds, or to proceed in any Process already intended, or to be intended thereanent. And His Majestie, with advice foresaid, doth hereby Statute and Ordain, That every clause and word, in this present Act, be understood and interpreted in the most favourable sense the expression may bear, for Indemnity of the whole persons who may have interest therein; Excepting alwayes from this present Act, and the *Pardon* and *Indempnity* therein contained, all such persons (if any be) who were guilty of, and accessory to, any previous transactions and bargains of money, for carrying on of that procedor concerning his Majesties Person, condemned by the tenth Act of the first Session of this present Parliament; and excepting all such (if any be) who upon any contrivance were art and part of the horrid murther of his late Majesty of blessed memory: And sick-like, Excepting all private murthers, thefts, witch-crafts, incests, buggeries, briberies, forging of false Writes, perjuries, usuries, and other crimes of that nature, not relating to the late troubles; and the Accounts of all such persons as have intrometted with any of his Majesties Revenues, publick Impositions, Excise, Fines, Forfeitures, Sequestrations, and all other publick money, for which they had not Order, Warrand or Assignment, (for their own privat use) or for which they have not duly counted, and received Discharges thereof, from such as pretended to have the Authority for the time, to do the same; And also Excepting all such persons who have been forfeited, or declared Fugitives, in this present Parliament, or by the Committee of Estates, since *August* one thousand, six hundred, and sixty. And particularly, Excepting the Decreets of forfeiture against *Archibald Campbel*, late Marques of *Argyl*; *Archibald Johnstoun*, sometime called Sir *Archibald Johnstoun* of *Warristoun*; *John Swintoun*, sometime called of *Swintoun*; *James Guthery*, *William Govan*, *John Home*, and *William Dundass*, *James Campbel*, sometime called of *Ardkinglass*, and *James Campbel*, sometimes called of *Ormsay*; which Decreets are to stand in full force and have further execution, conforme to the tenours thereof. And sick-like, Excepting all Decreets, Sentences, Assignments and Orders, past, given and renewed by this present Parliament, in favours of any person or persons; And but prejudice of the generality foresaid; Excepting such persons, as to the payment of such sums of money, as are respectively expresst in another Act, past in this Parliament, Entituled, *Act coucerning some exceptions from the Act of Indempnity.*

XI.

Act Salvo jure cujuslibet.

OUR SOVERAIGN LORD, taking to consideration, that there be many Acts of Ratification and others, past and made in this Session of Parliament, in favours of particular persons, without calling or hearing of such as may be thereby concerned and prejudged. Therefore, His Majestie, with advice and consent of the Estates of Parliament, Statutes and Ordains, That all such particular Acts, and Acts of Ratification, past in maner foresaid, shall not prejudge any third party of their lawful Rights, nor of their actions

actions and defences competent thereupon before the making of the ſaids particular Acts, and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt parties, according to their ſeveral rights, ſtanding in their perſons before the making of the ſaids Acts. All which are hereby exponed and declared to have been made, *Salvo jure cujuſlibet.*

XII.

ACT of Adjournment.

THE Kings Majeſty Declares this Parliament current, and adjourns the ſame to the twentieth day of May next to come; Ordaining all Noblemen, Commiſſioners from Shires and Burroughs, and all others having intereſt, to attend that day; and that there be no new election in Shires or Burroughs, except upon the death or incapacity of any of the preſent Commiſſioners.

A. PRIMEROSE,

Cls. Regiſter.

A TABLE

Of the Printed ACTS.

1 *ACt for the Reſtitution and Re-eſtabliſhment of the ancient Government of the Church by Archbiſhops and Biſhops.*
2 *Act for preſervation of His Majeſties Perſon, Authority and Government.*
3 *Act concerning ſuch Benefices and Stipends as have been poſſeſſed without Preſentations from the lawful Patrons.*
4 *Act concerning Maſters of Univerſities, Miniſters, &c.*
5 *Act concerning the Declaration to be ſigned by all perſons in publick Truſt.*
6 *Act for ſuppreſſing of Theft, Robberies and Depredations.*
7 *Act for the allowance of ten thouſand pounds Scots, yearly, to the Lords of Seſſion, out of His Majeſties Cuſtoms.*
8 *The Kings Majeſties general Revocation.*
9 *Act anent the Teinds belonging to Biſhops and other beneficed perſons.*
10 *The Kings Majeſties gracious and free Pardon, Act of Indempnity and Oblivion.*
11 *Act* Salvo jure cujuſlibet.
12 *Act of Adjournment.*

FINIS.

LAWS AND ACTS

Paſt in the THIRD

SESSION

Of the FIRST

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES

THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

By a Noble Lord, John *Earl of* Rothes, *Lord* Leſly *and* Bambreith, *His* MAJESTIES *Commiſſioner for holding the ſame, by vertue of a* Commiſſion *under His* MAJESTIES *Great Seal of this Kingdom.*

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Begun at *Edinburgh* upon the eighteenth of *June*, 1663. and continued to the ninth of *October* thereafter.

I.

ACT anent the way and maner of Election of the Lords *of the* Articles.

THE WHICH DAY, The Earle of *Rothes*, His Majeſties Commiſſioner, repreſented to the Eſtates of Parliament, That it was His Majeſties expreſs pleaſure, That in the conſtitution of Parliaments, and choiſing of Lords of the Articles at this Seſſion and in all time coming, the ſame form and order ſhould be keept, which had been uſed before theſe late troubles, eſpecially in the Parliament holden in the year One thouſand, ſix hundred, and thirty three. And the manner of election of the Lords of Articles at that time being now ſeen, and conſidered, be the Eſtates of Parliament; They did with all humble duty acquieſce in his Majeſtie's gracious pleaſure, thus ſignifyed unto them. And in proſecution thereof, The Cleygy retired to the Exchequer chamber, and the Nobility to the Inner houſe of the Seſſion, (the Barons and Burgeſſes keeping their places in the Parliament houſe) The Clergy made choice of eight Noble-men to be on the Articles, *viz.* The Duke of *Hamilton*, The Marqueſs of *Montroſe*, The Earles of *Errol*, *Mar*, *Eglingtoun*, *Hadington*, *Callendar*, and *Annandaile*; And the Nobility made

choice of eight Bishops, *viz.* The Archbishops of Sanct-*Andrews* and *Glasgow*, The Bishops of *Edinburgh*, *Galloway*, *Dunkeld*, *Breichen*, *Caithnes*, and *Isles*; which being done, the Clergy and Nobility mett together in the Inner Exchequer house, and having shewn their elections to others, the persons elected, at least so many of them as were present, stayed together in that roum, (whilst all others removed) and they jointly made choice of Eight Barons, and eight Commissioners of Burrows, *viz.* Sir *John Gilmour* of Craigmillar, President of the Session, Sir *James Lockhart* of Lee, Sir *James Foulis* of Collingtoun, Sir *Archibald Stirling* of Carden, Sir *Peter Wedderburn* of Gosfoord, Sir *Thomas Hamilton* of Preston, *Murray* of Polmais, and *William Scott* of Ardross, Sir *Robert Murray* Provest of Edinburgh, Master *John Paterson* of Perth, *Alexander Wedderburn* of Dundie, *Gilbert Gray* of Aberdeen, *Duncan Nairn* of Stirling, *Andrew Carstairs* of Sanct-Andrewes, *Andrew Glen* of Linlithgow, and *William Cuninghame* of Air, Burgesses; And then represented the whole elections to his Majestie's Commissioner, who being satisfyed therewith, did then with the Clergy and Nobility return to the Parliament-house, where the list of the eight Bishops, eight Noblemen, eight Barrons, and eight Burgesses being read, It was approven, And his Majestie's Commissioner did add to the list the Officers of Estate, And appointed the Lord Chancellour to be President, in the meetings of the Lords of the Articles; who are to proceed in discharge of their trust, in preparing of Laws, Acts, overtures, and ordering all things remitted to them by the Parliament, and in doing every thing else which by the Law and Practick of the Kingdom, belonged, or were propper to be done by the Lords of Articles at any tyme bygone.

II.

ACT against separation and disobedience to Ecclesiastical Authority.

FOrasmuch as the Kings Majesty, considering the prejudices which did ensue to the Church and Protestant Religion, to the prerogative of the Crown, to the Authority of Parliament, to the Liberties of the Subject, and to the publick Lawes and Peace of the Kingdom, by the invasions made upon Episcopal Government during the late troubles; And finding that Government, to be the Church Government, most agreeable to the word of God, most convenient & effectual for preservation of Truth order & Unity, and most suteable to Monarchy and to the Peace and Quiet of the State; Hath therefore, with advice and consent of His Estates of Parliament, by several Acts past in the second Session of this Parliament, restored the Church to it's ancient and right Government by Arch-bishops and Bishops, and hath redintigrated the estate of Bishops to the exercise of their Episcopal Function, and to all the priviledges, Dignities, Jurisdictions, and Possessions due and formerly belonging thereunto. And in further order to the settlement of the Church, and bringing the Ministers to a due acknowledgment of and complyance with the Government thereof thus established by Law, His Majesty, with advice foresaid, hath also Statute and Ordained, That all these Ministers, who entered to the Cure of any Paroch without Right or presentations from the lawful Patrons, in and since the year, one thousand, six hundred, and fourty nine, and should not, betwixt and the twentieth of *September* last, Obtain Presentations from their several Patrons, and Collation from the Bishop of the Dioces where they lived, should have no right to the uplifting the Rents of any Benefice or Stipend for the year, one thousand, six hundred and sixty two, but that their places, Benefices and Kirks should be, *ipsô jure*, vacand: And that whatever Ministers should, without a lawful excuse to be admitted by their Ordinary, absent themselves from the Diocesian Assembly, or who should not concur in all the Acts of the Church-discipline, as they should be thereunto required by the Arch-bishop or Bishop of the Dioces, should be for the first fault suspended from their Office and Benefice till the next Diocesian Meeting; and if they amend not, should be deprived, and the Church and Benefice to be provided as in other cases of vacancies. And the Kings Majesty having resolved to conserve and maintain the Church in the present State and Government thereof by Arch-bishops and Bishops, and others bearing office therein, and not to endure nor give way or connivance to any variation therein in the least, Doth therefore, with advice and consent of his Estates conveened in this third Session of His Parliament, Ratifie and approve the afore-mentioned Acts, and all other Acts and Lawes made in the two former Sessions of Parliament, in order to the setling of Episcopal Dignity, Jurisdiction and Authority within this Kingdom; and Ordains them to stand in full force as publick Lawes of the Kingdom, and to be put to further execution in all points, conforme to the tenor thereof. And in pursuance of His Majesties Royal resolution herein, His Majesty, with advice aforesaid, doth recommend to the Lords of His Majesties Privy Council, to take speedy and effectual course, that these Acts receive ready and due obedience from all His Majesties Subjects; And for that end, that they call before them all such Ministers, who having entered in or since the year, one thousand, six hundred, and fourty nine, and have not as yet obtained presentations and Collations, as aforesaid, yet dared to preach in contempt of the Law, and to punish them as seditious persons and contemners of the Royal Authority. As also, that they be careful, that such Ministers, who keep not the Diocesian Meetings, and concur not with the Bishops in the Acts of Church discipline, being for the same suspended or deprived, as said is, be accordingly, after deprivation, removed from their Benefices, Glebs and Manses; and if any of them shall notwithstanding offer to retain the possession of their Benefices

ſices or Manſes, that they take preſent courſe to ſee them diſpoſſeſt; and if they ſhall thereafter preſume to exerciſe their Miniſtry, that they be puniſhed as ſeditious perſons, and ſuch as contemn the Authority of Church and State.

And as His Majeſty doth expect, from all His good and dutiful Subjects, a due acknowledgment of, and hearty complyance with, his Majeſties Government, Eccleſiaſtical and Civil, as it is now eſtabliſhed by Law within this Kingdom, and that in order thereunto they will give their chearful concurrence, countenance and aſſiſtance to ſuch Miniſters, as by publick Authority are or ſhall be admitted in their ſeveral Paroches, and attend all the ordinary Meetings for divine Worſhip in the ſame; So His Majeſty doth Declare, that He will, and doth, account a with-drawing from, and not keeping and joyning in, theſe Meetings, to be ſeditious, and of dangerous example and conſequence. And therefore, and for preventing the ſame for the future, His Majeſty, with advice and conſent of His Eſtates in Parliament, doth hereby Statute, Ordain and Declare, That all and every ſuch perſon or perſons, who ſhall hereafter ordinarly and willfully withdraw and abſent themſelves from the ordinary Meetings of divine Worſhip in their own Paroch-Church on the Lords-day, (whether upon account of Popery or other diſaffection to the preſent Government of the Church) ſhall thereby incur the pains and penalties under-written, *viz.* Each Noble-man, Gentleman and Heretor, the loſs of a fourth part of ilk years Rent, in which they ſhall be accuſed and convicted; and every Yeoman, Tennent or Farmer, the loſs of ſuch a proportion of their free moveables (after the payment of their Rents due to their Maſter and Land-lord) as His Majeſties Council ſhall think fit, not exceeding a fourth part thereof; and every Burgeſs to loſe the liberty of Merchandizing, Trading, and all other Priviledges within Burgh, and fourth part of their moveables. And His Majeſty, with advice foreſaid, doth hereby authorize and require the Lords of His Majeſties Privy Council, to be careful to ſee this Act put to due execution; and for that end, to call before them all ſuch perſons as after admonition of the Miniſter, in preſence of two ſufficient witneſſes, and by him ſo atteſted, ſhall be given up to the Council as tranſgreſſors of this Act, in with-drawing from their Paroch Churches as aforeſaid; and the ſame, after hearing of the parties, being duly found, to decern and inflict the cenſures and penalties above-mentioned, and ſuch other corporal puniſhment as they ſhall think fit, and direct all execution neceſſary for making the ſame effectual, and to do every other thing they ſhall find neceſſary, for procuring obedience to this Act, and putting the ſame to punctual execution, conform to the tenor and intent thereof.

III.

Additional ACT *concerning the Declaration to be ſigned by all perſons in publick Truſt.*

FOraſmuch. as by an Act, paſt in the ſecond Seſſion of this Parliament, on the fifth of *September* laſt, concerning the Declaration to be taken by all perſons in publick Truſt, It is remitted to His Majeſties Commiſſioner to take ſuch courſe as he ſhould think fit, how theſe, who are preſently in Office, may ſubſcribe the Declaration; And the King's Majeſtie being reſolved, that all in publick Truſt, ſhould without further delay, ſign the ſame: But conſidering, that in this vacand time, many of the Courts of Juſtice do not ſit, ſo as ſome longer time, muſt be allowed unto them. Therefore, the King's Majeſty, with advice and conſent of His Eſtates in Parliament, Statutes and Ordains all perſons, who enjoy or poſſeſs any publick Truſt or Office within this Kingdom, as Officers of State, Members of Parliament, Privy Councellors, Lords of Seſſion, Commiſſioners in Exchequer, all Members of the Colledge of Juſtice; Sheriffs, Stewarts, Bailies of Regalities, Commiſſaries, Juſtices of Peace and their reſpective Deputs and Clerks, and all who enjoy any other publick Charge, Office or Truſt within the Kingdom, to ſubſcribe the Declaration hereunto ſubjoyned, in preſence of the ſeveral Courts they relate to, betwixt and the eleventh of *November* next to come, or ſooner, as they ſhall have occaſion or be required thereto by His Majeſties Council; Diſcharging hereby all ſuch of them, who ſhall not ſign the ſame, as ſaid is, to exerce any publick Truſt or Office within the Kingdom, after the ſaid eleventh of *November*. And that a ſpeedy account may be returned hereof, It is hereby Ordained, that the Sheriffs in the ſeveral Shires be careful in requiring due obedience to this Act, and that they and all others concerned therein, make report thereof to His Majeſties Council, betwixt and the firſt of *January* next to come. And ſeeing the election of the Magiſtrates and Council of Burghs will occur about *Michaelmaſs* next, and that ſome diſaffected perſons in Burghs, having none or ſmall advantages by their Magiſtracy, may, upon account of this Declaration, refuſe to accept any Charge or Truſt; It is therefore, by His Majeſty, with advice foreſaid, Statute, That at the next enſuing election of Magiſtrates within Burgh, all ſuch perſons who ſhall continue in, or be of new elected to be Magiſtrates, Clerks, or of the Council of Burghs, ſhall at ſuch their elections, if they be preſent, or otherwiſe, how ſoon thereafter they ſhall be required thereto by thoſe who did elect them, ſign the Declaration aforeſaid; Declaring hereby, all who ſhall refuſe or delay the ſame, to be from thenceforth not only incapable of, and to have forfaulted, the priviledges of a Magiſtrate, but alſo all the priviledges of Merchandizing, Trading, and others belonging to a Burgeſs; And that the ſeveral Burghs make report of their proceedings therein to His Majeſties Council betwixt & the foreſaid eleventh of *Nov.* as they will be anſwerable upon their duty & alleagiance: And for ſuch as

shall hereafter be admitted to any publick Trust or Office, they are to sign the Declaration in the manner, and under the certifications, expresst in the former Act of Parliament of the fifth of September. And His Majesty doth hereby recommend to the Lords of His *Majesties* Privy Council, to be careful that these Acts be put to due execution, and receive obedience conform to the tenor thereof.

I Do *sincerely affirm and declare, that I judge it unlawful to Subjects, upon pretence of* Reformation *or other pretence whatsoever, to enter into* Leagues *and* Covenants, *or to take up* Armes *against the King or those commissionated by Him*: *And that all these Gatherings, Conventions,* Petitions, *Protestations, and erecting and keeping of Council-tables, that were used in the beginning, and for carrying on, of the late troubles, were unlawful and seditious. And particularly, that these Oathes, whereof the one was commonly called,* The National Covenant, (*as it was sworn and explained in the year, one thousand, six hundred and thirty eight, and thereafter*) *and the other entituled,* A Solemn League and Covenant, *were, and are, in themselves unlawful Oaths, and were taken by, and imposed upon, the Subjects of this Kingdom, against the fundamental Laws and Liberties of the same*: *And that there lyeth no obligation upon me, or any of the Subjects from the saids* Oaths, *or either of them, to endeavour any change or alteration of the Government, either in Church or State, as it is now established by the Laws of the Kingdom.*

IV.

Act against Protections.

THe Kings most Excellent Majesty being careful, that the benefit of the Law in the administrations of Justice, be free to all His Majesties good Subjects; And considering the prejudices many have formerly sustained, in the stopping of the course of Justice, by the too frequent granting of Protections against personal execution. Therefore, and for preventing of the like for the future, His Majesty, with advice and consent of His Estates in Parliament, Doth Ratifie, Approve and Renew all former Acts of Parliament, made against the granting of Protections; And Dischargeth the Lords of His Majesties Privy Council, Session and Exchequer, to grant Protections to any persons against personal execution, certifying such as shall grant the same, they shall be lyable for the debt against which they grant the Protection; and all execution shall pass against the havers thereof, as if the same had not been granted.

It is alwayes hereby Declared, That notwithstanding hereof, it shall be free to the Lords of His Majesties Privy Council, Lords of Session and Exchequer, and to the Justice-general and his Deputes, when any person or persons are summoned and appointed to appear personally before them, to give order now, as they have been in use formerly to do, for suspending personal execution against the persons so summoned and appointed to appear, for such few dayes, as they may come to give their appearance, and during their necessar stay, and some few dayes for their return, and that according as the saids respective Judges shall find reason, upon the particular applications to be made thereupon.

V.

Act for the establishment and constitution of a National Synod.

FOrasmuch as the ordering and disposal of the external Government of the Church, and the nomination of the persons, by whose advice, maters relating to the same are to be setled, doth belong to His Majesty, as an inherent right of the Crown, by vertue of His Prerogative-royal, and supream Authority in causes Ecclesiastical: And in prosecution of this Trust, His Majesty, considering how fit and necessary it is, for the honour and service of Almighty God, the good and quiet of the Church, and the better Government thereof in unity and order, that there be a National Synod and Assembly duly constitute within this Kingdom, Hath therefore Appointed and Declared, and by these presents Appoints and Declares, that there shall be *a National Synod of the Church of Scotland*; And that this Synod, for the lawfull Members thereof, shall consist and be constitute of the Archbishops of Sanct-*Andrews* and *Glasgow*, and the remanent Bishops of these two Provinces, of all Deans of Cathedral Churches, Arch-deacons, of all the Moderators of Meetings for exercise, allowed by the Bishops of the respective Dioceses, and of one Presbyter or Minister of each Meeting, to be chosen and elected by the Moderator and plurality of Presbyters of the same; and of one or two from the University of Sanct-*Andrews*, one from *Glasgow*, one from the King's Colledge, one from *Marshals* Colledge, of *Aberdeen*, and one from the Colledge of *Edinburgh*; And this Synod, thus constitute, is to meet at such times and places as His Majesty, by His Proclamation, shall appoint; and is to debate, treat, consider, consult, conclude and determine upon such pious maters, causes and things, concerning the Doctrine, Worship, Discipline and Government of this Church, as His Majesty shall from time to time, under His Royal hand, deliver, or cause be delivered, to the Archbishop of St. Andrews, President of the said National

National Assembly, to be by him offered to their consideration. The Estates of Parliament do humbly recognosce and acknowledge His Majesties Royal power and prerogative aforesaid, with the piety, justice and prudence of his Majesties resolution herein; Likeas His Majesty, with their advice and consent, doth hereby Establish, Ratifie and Confirm this constitution of a National Assembly, as the lawful constitution of the National Synods and Assemblies of this Church, His Majesty, or his Commissioner (without whose presence, no National Synod can be kept) being alwayes present: And Declares, That no Act, Canon, Order or Ordinance shall be owned as an Act of the National Synod of the Church of *Scotland*, so as to be of any effect, force or validity in Law, to be observed and keeped by the Arch-bishops and Bishops, the inferior Clergy, and all other persons within this Realm, (as far as lawfully, being Members of this National Church, it may concern them) but that which shall be considered, consulted and agreed upon by the President and major part of the Members above specified. It is alwayes hereby provided, that nothing be enacted or put in execution, by Authority of a National Synod within this Kingdom, which shall be contrary to his Majesties Royal prerogative or the Lawes of the Kingdom; And that no Act, Mater or Cause be debated, consulted and concluded upon, but what shall be allowed, approven and confirmed by His Majesty or his Commissioner, present at the said National Synod.

VI.

ACT anent ruinous houses in Royal Burghs.

OUR SOVERAIGN LORD being informed, that upon the high Streets of several of His Majesties Burghs-Royal, and in the vennels and other passages within the same, there be many houses in the publick view of all people resorting thereto, very ruinous and not inhabited these divers years by-gone, not likely to be repaired by any, to the great opprobry of the saids Burghs, and common scandal of the Kingdome, as being altogether defective of that policy and good order which is, and ever hath been, so earnestly intended in the many wholsom and laudable Laws already made, by his Majesty and his Royal Progenitors of most worthy memory. And finding the Burroughs very desirous to have these many dangers and inconveniencies prevented and remeeded, which the Inhabitants of these Burghs, and the rest of the Lieges frequenting the same, do continually fear from such ruinous buildings; Doth therefore, with advice of His Estates of Parliament, Ordain the Provest and Bailies of the Burgh where such ruinous houses are, to cause warn and charge all persons, that have or pretends right to the property of such Lands and buildings, or any Annual-rents forth thereof, to cause build and repair, in a decent way, within year and day, such Houses and Buldings as have been wast and not inhabited three years before the date of this present Act, or shall be wast and not inhabited thereafter by the foresaid space of three years, or else to sell the same to others, to be builded within the same space of year and day: And to charge all known persons, personally or at their dwelling places, and by open Proclamation at the paroch-kirk or Mercat-cross of the Burgh; and all others by open Proclamation at the said Mercat-cross and Paroch-kirk. And in case of their absence out of this Realm, at the Cross of *Edinburgh*, and Peer and shoar of *Leith*, upon threescore dayes; with certification to them if they failzie, the said Provest and Bailies shall cause the saids Lands and Tenements to be valued by certain persons, to be chosen and sworn by them for that effect, and sell the same to any person that will buy them, and pay the price of the same to these owners, if they be known; and if they be not known, to consign the prices thereof in the hands of the Provest, one of the Bailies, or Dean of Gild of the said Burgh, to be forthcoming to these who have interest thereto: And if no man will buy them, it shall be lawfull to the said Provest and Bailies, after appriising thereof, as said is, and payment or consignation of the prices of the same, to cast down the said ruinous houses and cause build the same of new. And His Majesty, with advice foresaid, Declares, That it shall not be lawful in time coming, to any maner of person to pursue them nor their successors therefore, nor pretend any right or interest thereto, but that the said right shall be a perfect security to the builders thereof and their successors.

VII.

ACT discharging the Importation of Strong Waters, &c.

OUR SOVERAIGN LORD and Estates of Parliament understanding, that there are divers Stong-waters, Mum-beat and other Beer for drinking, brought into this Kingdom from forraign places, which might be more conveniently made within the Kingdom, to the benefit of the Natives thereof. Therefore, His Majesty, with consent of the saids Estates, Discharges all in-bringing of *Aqua vitæ* or Strong-waters, Mum-beer and other Beer for drinking (except Black-beer, called Spruce-beer) within this Kingdom under the pain of escheat thereof.

VIII.

ACT discharging the mixing of Tin with Lead.

OUR SOVERAIGN LORD and Estates of this present Parliament considering, the great hurt sustained by His Majesties Lieges, by the fraudulent dealing of Pewterers, in mixing the finer sort of Tin brought from *England*, *France*, *Flanders* and other parts beyond sea, with baser and courser mettal of Tin and Lead, and their exacting greater prices betwixt the new Pewter casten by them, and the old which they receive from the Lieges. For remeid thereof, It is Statute and Ordained, that the Pewterer or founder of Tin, shall put the mark of the Thistle, and the Deacons mark, with his own name, upon every peece of work that he happens to cast, and that the same shall be of the finest of the Pewter marked with the Rose in *England*; And in case the same be under the finest of the said Pewter of *England*, that the same shall be confiscat, and he punished in his person at the discretion of the Magistrats of the Burgh where he dwels: And to that effect, that there be a Say-master appointed by the Magistrats in each Burgh, for trying of the same. As like-wayes, that he shall take, betwixt the pound of old pewter and Tin, marked with the Rose foresaid, and the pound of new casten by him, two shillings *Scots* allanerly, under the pain foresaid.

IX.

ACT anent the discharging of Advocations for sums within two hundred merks.

OUR SOVERAIGN LORD and Estates of Parliament considering, the manifold prejudices and troubles arising to divers of His Majesties Lieges, in pursuing of maters of smal importance, by the too frequent granting of Advocations from inferiour Judges. Therefore, Our said Soveraign Lord, with advice and consent of the saids Estates, discharges the Lords of Session from giving and granting Letters of Advocation, of any actions intended or to be intended before whatsoever inferiour Judicatories, which may competently, by the Lawes of the Kingdom, be decided by the saids inferiour Judges, before whom the said Action is or shall be intended, for sums of money within two hundred Merks; or for any other cause whereunto, by the Laws of the Kingdom, the saids inferiour Judges are expresly appointed Judges.

X.

ACT in favours of Minors, anent the duties of the Lands comprised from them.

OUR SOVERAIGN LORD considering, the favourable condition of Minors, who are oftentimes destitute of Tutors and Curators; and though they have them, yet in respect of their minority, they are not in capacity or credit to raise sums of money for satisfaction of their Creditors: And it being unreasonable, that their Creditors comprisers of their Estate, should, during the not expiring of the legal reversion, which, according to Law continues during their minority, have more advantage by their Estate then corresponds to the Annual-rent of the true sums owing to them by vertue of their comprisings; Doth, with advice and consent of his Estates of Parliament, Ratifie and approve the Act of Parliament, made in August one thousand, six hundered, and twenty one, *Cap.* 6. in so far as the same concerns Minors; And Declares, that the true meaning thereof was, and is, that Minors, having right to the Legal reversion, should be no further obliged during their minority of twenty one years of age, but allanerly for the Annual-rent of the sums contained in the comprisings; and that they lose not the right of the *super-plus* of the mailes and duties of the Lands, so far as the same exceeds the said Annual-rents, during their said minority.

XI.

ACT against exportation of money forth of the Kingdom.

THe Estates of Parliament considering, how much the Kingdom is impoverished by the daily exportation of money forth of the same; and that the making use of our own native Commodities, for furnishing us with these things which formerly were brought to us from forraign places, is, by the commendable industry of several deserving Country-men and ingenious Artists, much improved: And that in order to their encouragment, and that our own native Commodities may go the better off, necessar it is, that some more severe restraint then formerly be laid upon the exportation of money. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains, That no person or persons whatsoever, shall trade or use merchandize with any other Nation, till first they take an Oath before the Lord Theasurer or Theasurer-depute, or before such persons as they shall appoint for that effect, That they

shall

ſhall not export by themſelves or others, directlyor indirectly, by Sea or Land, any Gold or Silver, coyned or un-coyned, except ſuch a ſum as they ſhall declare upon Oath before the ſaid Lord Theſaurer, Theſaurer-depute, or theſe appointed by them, as ſaid is, to be neceſſar for making of their voyage to the port where they are going; and that if he know any money tranſported by any other perſon, he ſhall delate the ſame to the Lord Theſaurer, Principal or Depute, or to the foreſaid perſons appointed by them. As likewiſe, every Skipper ſhall, before he make any voyage after the publication hereof, to any other Kingdom or Nation, take an oath before the ſaid Lord Theſaurer or Theſaurer-depute, or theſe appointed by them for that effect, that he ſhall not himſelf tranſport, nor ſuffer any Gold or Silver, coyned or un-coyned (except as is above-excepted, and except the ſum of three ſcore pounds at moſt, which every Paſſenger is hereby allowed to carry forth of the Country for his neceſſar ſpending) to be tranſported in the Ship wherein he is Maſter, and that he ſhall uſe his outmoſt endeavour for diſcovery of the ſame, if any be: And that if after he hath made ſail, it ſhall come to his knowledge, that there is any money concealed in his Ship, or in any other Ship, he ſhall at his return, delate the ſame to the Lord Theſaurer, Principal or Depute, or to theſe appointed by them for that effect: And which perſons appointed by them, are hereby required, to give timeous notice thereof to the ſaid Lord Theſaurer or Theſaurer-depute, under the penalty of the half of the money informed to have been tranſported. And ſicklike, the ſaids Oaths ſhall be renewed and taken before the ſaids Lord Theſaurer or Depute, or theſe appointed by them, as ſaid is, by all Skippers and Merchants, at the making of every particular voyage; And both the ſaids Oaths ſhall be ſubſcribed by the reſpective parties, and inſert in the Books of Exchequer, or in the books of theſe perſons appointed by the Lords Theſaurer or Depute for that effect; For which Extracts, they ſhall pay to the keepers of theſe Regiſters twelve ſhillings *Scots* allanerly, the one thereof to be carried to the Cuſtomer, and inſert in their Books *gratis*; the other to be carried to the keeper of the Cocquet, and inſert in his Books *gratis*. And it is further Statute and Ordained, That in caſe any Merchant or Skipper, ſhall, after the publication hereof, trade with, or make any voyage to any other Kingdom or Nation, before the taking of the ſaids Oaths, and production of the Extracts thereof to the Cuſtomer and keeper of the Cocquet, that then they ſhall forfeit the fifth part of their moveables and be incapable, the Merchant of all trading, and the Skipper of having any charge of any Ship within this Kingdom in all time coming. Provided alwayes, that the taking of the Oaths above mentioned ſhall be without prejudice of ſearch for, or ſeizure of, any exported money: And if any Gold or Silver, coyned or un-coyned, ſhall, after publication hereof, be diſcovered carrying out of the Kingdom, by any perſon who hath taken the ſaid Oath, the ſame not only to be confiſcat, but the perſon or perſons owners thereof, to be proceeded againſt as perjured perſons, and further lyable to ſix moneths impriſonment. As alſo, it is hereby Declared, that notwithſtanding of the ſaid Oaths, if it ſhall at any time thereafter be legally proven, money hath been carried out of the Kingdom by the perſons takers of the ſaid Oath, the ſaids perſons ſhall be proceeded againſt as perjured perſons, and by and attour, be fined in the value of the money exported; and whatſoever money ſhall be diſcovered or ſeized upon, the one half thereof to be for His Majeſties uſe, and the other half to the informer. And the Lord Theſaurer and Theſaurer-depute are hereby required, to appoint ſufficient honeſt men, to be found at the reſpective Ports of this Kingdom, or Royal Burghs next adjacent thereto, for taking of the ſaids Oaths; And that they take bond, with ſufficient caution, from each of the perſons ſo appointed, under the pain of ſix thouſand pounds Scots, that they ſhall not ſuffer any Merchand or Skipper to uſe trade or Merchandize with any forraign Kingdom or Nation, before they have taken the ſaids Oaths; and ſhall do their utmoſt endeavours for diſcovery and ſeizure of all money carryed out of the Kingdom: And that if it ſhall be informed to them, that any money hath been carryed out of the Kingdom, they ſhall give ſpeedy and timeous notice of their information to the ſaid Lord Theſaurer or Theſaurer-depute, the one half of the foreſaid ſum of ſix thouſand pounds, in caſe of failzie, to be for His Majeſties uſe, and the other half to be given to the delator, and to be further lyable to ſix moneths impriſonment for breach of their truſt. And ſicklike, the ſaid Lord Theſaurer principal, and Theſaurer-depute, are hereby required, to cauſe the Farmerers and Collectors of the Cuſtom, and keepers of the Cocquet, to take an Oath, that the ſaids Farmerers and Collectors of the Cuſtom ſhall uſe their utmoſt endeavours, for the diſcovery and ſeizure of all money carrying out of the Kingdom by Sea or Land, either by Merchant, Skipper, or by any perſon of whatſoever quality or degree, except as is above excepted; And that they ſhall not give warrand to any Skipper to receive a Cocquet, unleſs they have received, both from the Skipper and Merchants in the Ship, extracts of the reſpective Oaths, as ſaid is; and that the keepers of the cocquets ſhall give no Cocquet, unleſs they have likewiſe received extracts of the Oaths above-mentioned, both from Skipper and Merchants; and both Cuſtomers and keepers of the cocquet to give bond, with ſufficient caution, under ſuch ſums of money as the ſaid Lord Theſaurer principal, and Theſaurer-depute ſhall think fit, for fulfilling of the premiſſes. And in caſe the ſaids Farmerers, Collectors and keepers of the cocquet, or either of them, ſhall refuſe to compear, or compearing, refuſe or delay to take the Oath, and give their Bond as aforeſaid, then their Tack, Commiſſion, Gift, or any other Title, by which they enjoy their places and charges, to be void and null, and they to be further lyable to ſuch cenſures, as the ſaid Lord Theſaurer principal, and Theſaurer-depute ſhall think fit for their contumacy. And if it ſhall be made appear to the ſaid Lord Theſaurer principal, and Theſaurer-depute, that any of the Farmerers or Collectors

of

of Custom, or keepers of Cocquet, shall transgress the Oath and Bond above-mentioned in any part, then their Tack, Commission, Gift or any other Title by which they enjoy their saids places, to be void and null, and they to have incurred the sums and penalties contained in their respective Bonds (the one halfe thereof to be given to the informer or delator) and to be further proceeded against as perjured persons; Discharging hereby, all granting of Licences for exporting of money; except to such persons allanerly as shall make faith in Exchequer, or these appointed by the Lord Thesaurer or Thesaurer-depute, and give sufficient Bond, that the money which they are to carry out, is to be bestowed upon Timber in Norway, or in order for bringing in of Victual in time of extream dearth, and that they shall return in specie, what part of the money shall not be so bestowed.

XII.

ACT for incouragment of Tillage and Pasturage.

OUR Soveraign Lord considering, how necessar it is, for the incouragment of the tillage of this Country, which is subject to so much toil and expence, though the improvement thereof be most advantagious to the whole Kingdom, That liberty be granted for the exportation of Corns, after the Natives are sufficiently provided for. Therefore, the King's Majesty, with advice and consent of His Estates in Parliament, Statutes and Declares, That it shall be lawful to export Corns of all sorts, when they are under the prices following, at the Ports or respective places of exportation; *viz.* ilk Boll of Wheat, under twelve pounds the Boll, Beir & Barly under eight punds the boll, Oates and Pease, under eight marks the Boll; notwithstanding of any former Acts, Laws or practice to the contrary, they paying the usual custom and Bullion as formerly: with this provision, That when the Lords of His Majesties Secret Council shall judge it necessar, for the good of the Kingdom & preventing of dearth, they may discharge the exportation of Victual of all sorts, for so long time as they shall think fit. As also, for improvement of the Pasturage of this Kingdom, and for incouragement of the breeders of the Bestial thereof, It is Statute and Ordained, with advice and consent foresaid, that the exportation by Sea, of all sorts of Bestial, either Nolt, Sheep or Swine, and barrelled Fleshes of all sort, shall be free of Custom, Bullion, and all other impositions, for the space of nineteen years next after the date hereof.

XIII.

ACT for a new Imposition upon English Commodities.

THE Estates of Parliament considering, how much it concerns the credit and wealth of the Kingdom, that our own native commodities be manufactured amongst our selves, and that the endeavours of such persons as are setting up Manufacturies and Trades, have been, and are much retarded, by the importation of such forraign commodities as may be made within the Kingdom. Therefore, and for their due encouragment, the King's Majesty, with advice and consent of the Estates of Parliament, Statutes and Ordains, That from and after the first day of *September* next, twelve pounds *Scots* upon ilk ell of broad English cloath; six pounds upon ilk ell of *York-shire* and all narrow cloath; two pounds, eight shillings upon ilk ell of *Searge*; thirty shillings upon ilk ell of castilians; forty eight pounds upon ilk Beaver-hat; twenty four pounds upon ilk Demy-beaver and Vigon; and three pounds upon the piece of ilk common Hat; thirty six pounds upon the dozen of worstead Stockings; twenty four pounds upon the dozen of Stag-gloves; and twelve pounds upon the dozen of single Stags, cordivans, Kid or Shiverings; and twenty four shillings upon ilk pound of Tobacco, imported either for sale or private use into this Kingdom from *England*, all *Scots* money; Be exacted, levied and collected; and fourscore *per cent.* upon all other sorts of commodities imported into this Kingdom from *England*, and not particularly named in this Act, and upon all the growth and manufactury of that Kingdom, though imported from any other place, and that over and above all other impositions put upon the same already. And to the effect this present Act may be the more exactly put to execution, It is Statute and Ordained, That all Goods imported from *England*, or of the growth and manufactury of *England*, not above particularly expreſt, shall be valued, after fighting, by two skilful honest men, upon oath, to be nominate by the Dean of Gild or his Assessors, or Magistrates of the Burgh, or next adjacent Burgh to the custom-office, where the saids Goods are entered, or by the oath of the party to whom the saids Goods belongs, and accordingly pay the said fourscore *per cent.* And the Lords Thesaurer and Thesaurer-depute, and Lords of His Majesties Exchequer are hereby required to take an Oath, and Bond with sufficient caution, from the Farmers or collectors of the saids impositions, that they shall exactly collect the same, without any abatement thereof directly or indirectly; and that they shall not suffer any of the saids Goods to pass or be conveyed away un-entred, and that under the penalty of the worth of the saids Goods, if the contrary shall be made appear, the one half thereof to His Majesties use, and the other half to the informer, and under the pain of forfaulting their Tacks and commissions, and being declared incapable to farm or collect, in any time hereafter, any custom, Excise, or other Imposition whatsoever within this Kingdom.

And

And if any of the foresaids Goods or Commodities shall be informed and made appear to be brought in, or shall be seized upon, not being entered in the Custom-office, or any other Office appointed for that effect, then the same to be wholly confiscat, the one half to His Majesties use, and the other half to the first informer or seizer thereof.

XIV.

ACT imposing a Custom upon Corn imported from Ireland *into this Kingdom.*

THe Estates of Parliament considering, what great sums of money are caryed out of the Kingdom, by persons, importers of Corn hither from *Ireland*, who having sold their Corns, export the money without bartering any of the Commodities of this Kingdom; whereby the whole Nation, particularly those near adjacent parts of the Kingdom, are much impoverished of money: And that it is just and reasonable that the saids Corns should bear Custom, toward the increase of His Majesties Revenue, proportionally with other imported Commodities, especially when the Corns of this Kingdom are sold at easie rates. Therefore, the King's Majesty, with advice and consent of His Estates of Parliament, Doth hereby impose three pounds *Scots* of Custom upon ilk boll, *Linlithgow* measure, of Corn imported into this Kingdom from *Ireland*, after the first day of *September* next; and appoints thirty shillings *Scots* to be raised upon ilk boll already imported, and not yet retailed, conform to an Act of the Committee of Estates made there-anent, in *anno*, one thousand, six hundred, and sixty. But least the more indigent sort of people might be prejudged, by hightning the prices of the saids Corns in time of dearth under pretence of the said Custom; Therefore, the King's Majesty, with advice and consent foresaid, doth hereby give power to the Lords of His Privy council to remit and discharge the exacting of the said Custom, when they shall find the prices of the Victual of this Kingdom, Meal and Barley *respective*, to exceed eight pounds the Boll; And appoints the Lords of His Exchequer to cause put this Act to full execution, and cause the foresaid Custom be exactly levied, with power to them to allow such fies to the Colectors thereof as they shall think fit.

XV.

ACT for in-bringing of His Majesties Rents.

FOrasmuch, as His Majesty and Estates of Parliament, taking to their consideration, the great contempt and neglect of the several Fewers and others lyable in payment of His Majesties Rents, wherethrough (notwithstanding of the diligence and endeavours of His Majesties Thesaurer-principal, Thesaurer-depute, and others His Majesties Officers appointed for the management of His Majesties Reveneue) the same are not payed, or otherwise so unseasonably payed, that it proves a great hinderance and prejudice to His Majesties affairs. And finding several Acts of Parliament made for the timeous and seasonable payment of His Majesties Rents, as well constituting the time and sitting of the Exchequer, to the effect that the persons lyable in payment, might know both the time, place and persons, where, when and to whom they should compt and make payment of the saids Duties, as also such censures and penalties as might induce them to due obedience thereto: particularly, the sixty third Act, *Par.* eleventh, holden by His Majesties Grand-father of blessed memory, in *anno*, one thousand, five hundred and eighty seven, Ordaining the Exchequer to sit down the first day of *July* yearly, and to continue to the last day of *auguſt* thereafter; requiring not only the Thesaurer, Comptroller, Collector, their Deputes and other Officers, to be present and give their attendance during the said time; but also all persons lyable in payment, who ought to make compt in Exchequer, to be charged by precepts to compear thereat, under the pain of fourty pounds, to be uplifted by the Thesaurer; Ordaining Letters of Horning to be directed against them for payment thereof, and that the saids persons do attend for making of the saids accompts to the close thereof; and in case of disobedience to the said Precept, that they be charged of new at the Mercat-cross of *Edinburgh*, and in case of their disobedience to the said Charge, to be denounced Rebels at the said Cross; which denounciation is declared to be as sufficient, as if the same were at the head Burgh of the Shire where the person liveth, and that the Horning be registrat in the Thesaurers books or Sheriff books of *Edinburgh*. And sicklike, by the sixty fifth Act of the said Parliament, all Chamberlains and other Receivers of His Majesties Rents, as well heretable as moveable, are ordained to find caution to the Thesaurer in *Edinburgh*, for making compt at the ordinar time of Exchequer, and payment within twenty dayes after the terme. And also, by the eighty Act of the said Parliament, it is Ordained, that Letters be directed, charging the Sheriffs, under the pain of rebellion, with certification, &c. to find caution, Burgesses Indwellers in *Edinburgh*, that they shall yearly make their accompts in Exchequer, and pay all things resting owing to the Kings Majesty, by vertue of their office. And sicklike, by the two hundred and thirty Act, Parliament fourteenth, *anno*, one thousand, five

hundred, and ninety four; not only the foreſaid Act is ratified and approven; but alſo, all Chamberlains, Fewers, Cuſtomers, Baillies of Burroughs, and Sheriffs, and others intromettors with the foreſaids Rents, are ordained to find caution Burgeſſes of *Edinburgh*, for yearly compearing and making compt in Exchequer. And ſicklike by another Act, Parliament fifteen, Act two hundred and ſixty two, for preventing of the prejudice that did then ariſe, through the not timeous payment of the foreſaids Rents, payable out of the High-lands and Iſles, the ſaids Fewers are Ordained to find caution to the Exchequer, for yearly and thankful payment of the yearly Rents, Duties and Services due and payable forth of the Lands poſſeſt and occupied by them, or any other in their names; wherein if they failed, their pretended Infeftments, and other Rights and Titles they have to any of their Lands, either property or ſuperiority, are declared forfault and null. Which whole Acts of Parliament *reſpective* above-mentioned, The King's Majeſty and Eſtates of Parliament, taking of new to their conſideration; and finding no means could have been more probable and conduceable, for preventing of theſe prejudices and obſtructions that have ariſen to His Majeſties Affairs, through the not timely payment of His Rents; and that the neglect of the exact putting of the ſaids Acts to execution, hath been the only fountain from whence theſe have ſprung. Therefore, and for preventing of the ſame in the future, the Kings Majeſty, with advice and conſent of the Eſtates of Parliament, doth Revive, Renew, Ratifie and Approve the foreſaids Acts reſpectively and particularly above-written of the dates, tenors and contents thereof in all points, in ſo far as the ſame are or may be extended to the payment or ſecuring of His Majeſties Rents; and Ordains the ſame to have force, and to be punctually obeyed and extended againſt all Chamberlains, Fewers, Sheriffs, Stewarts of Stewartries, Bailies of Regalities, Bailies of Burroughs, and others lyable in payment of any of His Majeſties Rents, for finding caution in Exchequer to the Theſaurer-principal and Theſaurer-depute, who are hereby required to cauſe charge the foreſaids perſons, particularly above-mentioned, at the Mercat-croſs of *Edinburgh* to compear before them, to the effect above-written; with certification, not only under the pains contained in the reſpective Acts of Parliament; but alſo, in caſe of their diſobedience, to denounce them Rebels at the ſaid Mercat-croſs of *Edinburgh*, and to be regiſtrate in the Theſaurers or general Regiſters of Hornings: Which charge, denounciation and regiſtration *reſpective*, the King's Majeſty and Eſtates of Parliament Declares to be as ſufficient, to all purpoſes and intents, as if the ſame charge were given to them perſonally at their dwelling-houſes, and the denounciation at the head Burgh of the Shire where they live, and the ſame regiſtrate in the Sheriff Books thereof. And ſick-like, His Majeſty and Eſtates of Parliament taking to their conſideration, that ſeveral of the ſaids Fewers, charged and denounced for not compearing, compting and paying of their ſaids Duties, do ly under the Proceſs of Horning, apprehending themſelves (from the diſtance of the place) ſecure, both as to their perſons and goods, to the great contempt of His Majeſties Royal Authority, ſlighting, contemning and vilipending His Majeſties Laws: And His Majeſty and Eſtates of Parliament conſidering, by the nature, duty and office of each Sheriff, Stewart and Bailies of Regalities, within their reſpective Juriſdictions, they as His Majeſties Officers are obliged, and by ſeveral Acts of Parliament (*viz.* the 30. Act Ja. 4. *Par.* 3. *Par.* 6. Act 69. Act 97. Ja. 5. *Par.* 7. *Act* 74. *Par.* 6. Ja. 6. Act 75. Ja. 6. *Par.* 6.) Ordained, to execute His Majeſties Laws, and put letters of Poinding and Caption to execution, take and apprehend the Rebels, uplift their eſtates and compt for the ſame to the Comptroller and Theſaurer, and to cauſe their Clerks give in the Regiſters of Hornings, and to up-lift His Majeſties retoured Duties, blench duties, taxations, and other duties payable to His Majeſty, as not only the ſaids Acts of Parliament, but alſo the ſeveral Rols of Exchequer, bears; Whereby it appears, both by the Law, and the nature, and duty of their Office, that they ought to execute His Majeſties Letters, and cauſe His Majeſty be payed of His Rents by the perſons lyable in payment thereof within their bounds, and that the contemners of His Majeſties Authority be duly puniſhed, and His Majeſties Laws put to execution by them as His proper Officers. Therefore, the King's Majeſty and Eſtates of Parliament Ordains, when any of the foreſaids perſons, for diſobedience to the charges given to them for payment of the Mails, Farmes and Duties, as ſaid is, are denounced Rebels and put to the horn, Letters to be directed to charge the Sheriff of the Shire and his Deputes, Stewarts of Stewartry, Bailly of the Regality *reſpective*, within thoſe bounds where the ſaids perſons dwells or Lands lyes, to take and apprehend their perſons and put them in warde, ay and while payment be made to the Theſaurer and Theſaurer-Depute, or others appointed by them, and an *eque* retired thereof, or to poind and deſtrinzie the readieſt goods and geer, and to make ſale of ſo much thereof; and to cauſe His Majeſties Theſaurer and Theſaurer-depute, and others appointed by them for that effect, to be compleatly payed of the ſaid ſum charged for, or to inſtruct ſufficient and exact diligence for the ſame, within twenty one dayes next after they be charged: With certification, if they failzie, the ſaids twenty one dayes being by-paſt, Letters ſhall be directed to charge them or their reſpective cautioners, to make payment thereof themſelves, under the pain of rebellion and putting of them to the horn; and if they failzie, to denounce them rebels, &c. in maner above-ſpecified.

ACT

XVI.

ACT concerning Beggars and Vagabonds.

OUr Soveraign Lord, conſidering the many laudable Acts of Parliament, made by His Majeſties Royal predeceſſors for relief of the Poor, and for conſtraining of Beggars, Vagabonds and idle Perſons to take themſelves to lawful Callings, that they might not be burdenſom and diſ-graceful to the Kingdom; Eſpecially the ſeventh Act of the ſixth Parliament of His Majeſties Royal Grand father King *James* the ſixth of happy memory; Ordaining the names of the poor of ilk Paroch, and ſuch as muſt be neceſſarily ſuſtained by almes, to be taken up, and to tax and ſtint the perſons within the Paroch, according to the eſtimation of their ſubſtance, without exception of perſons, to ſuch weekly charges and contributions, as ſhould be thought ſufficient to ſuſtain the ſaid poor People: And the hundred and ſixty eight Act of the fifteenth Parliament King *James* the ſixth, Ratifying the former Act; With this addition, That ſtrong Beggars with their Bairns, be imployed in common Works, and that they ſhall continue ſervants therein during their life-times. And conſidering the tenth Act of the two and twentieth Parliament of His ſaid Royal Grand-father King *James* the ſixth, Recommending to all His good Subjects, to take into their ſervice poor and indigent children, declaring that they ſhall be ſubject to their ſaid Maſters, their Heirs and aſſignes, in all kind of ſervice that ſhall be enjoyned to them, untill they paſs their age of thirty years compleat, and that they ſhall be ſubject to their Maſters correction and chaſtiſement in all maner of puniſhment (life and torture excepted) and that if it ſhall happen, the ſaid perſons to abſent themſelves from their Maſters ſervice without their licence, not only to be lyable to bodily puniſhment at their Maſters diſcretion, but that all recepters of them ſhall be obliged to reſtore them to their Maſters, within twenty four hours after they be required, otherwayes, to pay to their ſaid Maſters, ten ſhillings *Scots* for ilk dayes abſence till they be reſtored. And His Majeſty conſidering, that the chiefe cauſe, whereby the foreſaids Acts have proven in-effectual, and that Vagabonds and idle perſons do yet ſo much abound, hath been, that there were few or no common Works then erected in the Kingdom, who might take and imploy the ſaid idle perſons in their ſervice; and that now, by His Majeſties princely care, common Works for Manufacturies of divers ſorts, are ſetting up in this Kingdom; Therefore, His Majeſty, with advice and conſent of His Eſtates in parliament, Ratifies and Approves the foreſaids Acts of Parliament; with this addition, That it ſhall be leiſum to all perſons or Societies, who have or ſhall ſet up any Manufacturies within this Kingdom, to ſeize upon and apprehend the perſons of any Vagabonds, who ſhall be found begging, or who being Maſterleſs and out of ſervice, have not wherewith to maintain themſelves by their own means or work, and to imploy them for their ſervice as they ſhall ſee fit, the ſame being done with the advice of the reſpective Magiſtrates of the place where they ſhall be ſeized upon; And Ordains the Paroches where ſuch Vagabonds or idle perſons, as ſhall be found begging, were born; Or in caſe the place of their nativity be not known, the Paroches where they have any reſidence, haunt, or moſt reſort for the ſpace of three years immediatly preceeding their being ſo apprehended, who thereby are relieved of the burden of them, to make payment to the perſons or Societies that ſhall happen to imploy them, two ſhillings *Scots* money *per diem*, for the firſt year after they be apprehended, and one ſhilling *Scots per diem* for the next three years thereafter; the one half thereof to be payed by the Heretors of the ſeveral Paroches *reſpective*, and the other half thereof to be payed by the poſſeſſors and Inhabitants dwelling upon the ground of each Heretor *reſpective*. Likeas, His Majeſty, with advice and conſent foreſaid, Ordains the Heretors of each Paroch, or as many of them as ſhall happen to meet, upon publick intimation, made at the Paroch-kirk upon any Sabbath at the diſſolving of the Church from the firſt Sermon, by any of the Heretors of the Paroch, or by the imployers of the poor, to make up a ſtent Roll for maintenance of the Poor in their Paroch, who ſhall be imployed, as ſaid is, at the rate aforeſaid, the one half thereof to be payed by the Heretors, either conform to the old extent of their Lands within the Paroch, or conform to the valuation by which they laſt payed aſſeſſment; or otherwayes, as the major part of the Heretors, ſo meeting, ſhall agree, Life-renters and Wod-ſetters alwayes being lyable, during their Rights as Heretors; and the other half thereof to be laid upon the Tennents and poſſeſſors, according to their means and ſubſtance. And in caſe the ſaids Heretors, being required by any perſon or Society, imploying the poor as ſaid is, ſhall failzie to make up and deliver a ſtent Roll in maner foreſaid, with power to the perſons, Society or others intruſted by them, to charge the Heretors of each Paroch for the ſum of two ſhillings *Scots per diem*, for each one of their poor, whereof they ſhall be relieved in maner foreſaid, conform to the old extent or valuation foreſaid, at the option of the perſon or Society imploying, or theſe intruſted by them; which ſtent Roll ſhall continue and ſtand for one year after the making up thereof, either by the Heretors, or in caſe of failzie, by the Perſons or Societies imploying the poor, as ſaid is, and ſhall then be renewed from year to year, during the years above-written. Providing alſo, that the Heretours in caſe they failzie to make a ſtent Roll, as ſaid is, and be charged

conform to the old extent or valuation of their Lands, that they ſhall have relief of the Tennents and poſſeſſors of their Lands, for the one half of what they ſhall be diſtreſſed for. And His Majeſty, with conſent foreſaids, Ordains Letters of Horning to be directed hereupon, at the inſtance of the Perſons or Societies imployers of the Poor, or perſons intruſted by them, againſt the Heretors and others for payment of the ſaid daily allowance for the Poor, or againſt the recepters of them, being ſo imployed, for ten ſhillings *Scots* money *per diem*, upon fifteen dayes only: Providing alwayes, that after examination of the caſe, the Lords of the Privy Council ſhall find cauſe for idrecting ſuch Letters; And ordains all Sheriffs, Stewarts, Bailies of Regality, Principality, Magiſtrates of Burroughs, or Juſtices of Peace and their Conſtables, to the aſſiſting in the apprehending of the ſaids Vagabonds, or in the bringing of them back to their ſervice, after they ſhall be imployed: And ſtrictly Prohibits and Diſcharges all perſons whatſoever, to oppoſe or hinder the taking or bringing back of them in maner foreſaid *reſpective*, under the pain of deforcement. Likeas, it is hereby Declared, That the Poor ſo imployed ſhall continue in the ſervice of the imployers, and under their direction and correction, in maner foreſaid, not only during the ſpace of the maintenance to be payed for them by their Paroches, in maner above-written; but alſo for the ſpace of ſeven years thereafter for meat and cloath only; Declaring alwayes, likeas it is hereby expreſly Declared, that the Burgh of *Air* nor their inhabitants ſhall no wayes be comprehended herein, but are excepted here-from in all points. And recommends to the Lords of the Privy Council, to ſee this Act and all former Acts of Parliament made againſt ſturdy Beggars and Vagabonds, put to execution, with power to them to ſupply by their order what ſhall be deficient, as to the execution of the ſaids Acts.

XVII.

ACT anent the meaſure of Coal.

OUr Soveraign Lord, conſidering, that ſeveral queſtions and debates do ariſe, betwixt the buyars of Coal, and the Cuſtomers and Receivers of the Bullion, anent the meaſure of the Chalder, by which the Cuſtom and Bullion impoſed upon the Coal ſhould be paid; Doth therefore, with advice and conſent of His Eſtates of Parliament, Statute and Declare, That the rates of Cuſtom and Bullion, impoſed upon the Chalder of Coal, is and ſhall be underſtood of the *Culroſ*-chalder; and the ſaids rates exacted and paid according to that meaſure allanerly, notwithſtanding of any former Cuſtom to the contray.

XVIII.

ACT *anent the Foot-meaſure.*

THe Eſtates of Parliament conſidering, that notwithſtanding by the ancient Laws of the Kingdom, the ell is deſigned to be thirty ſeven inches, yet many uſe inches by which the ell is divided into fourty two inches, & of theſe ſmal inches, make the Foot-meaſure of a ſmaller proportion then it ought to be, to the great prejudice of the Lieges; & that the occaſion of this liberty hath been, becauſe that hitherto there hath no Standard been appointed for footmeaſure, aſwell as other meaſures. Therefor His Majeſty, with advice & conſent of His Eſtates of Parliament, Statutes & Ordains That from and after the firſt day of *June* next one thouſand, ſix hundred, ſixty four, no Work-man nor other perſon ſhall make uſe of any other Foot-meaſure, then ſuch as conſiſts of twelve of theſe inches whereof the ell contains thirty ſeven: And that this may be the better made practicable to the Lieges, Ordains an exact Standard-foot to be made by the Magiſtrates of *Edinburgh*, before the firſt of *January*, one thouſand, ſix hundred, and ſixty four, of Iron or Copper, and preſerved by the City of *Edinburgh*, for all time coming. And that all Burghs ſhall have a meaſure made according to it, and hung at their Tolbooth doors or upon their Mercat-croſſes, before the firſt of *March*, one thouſand, ſix hundred and ſixty four; And any Burgh that ſhall fail in this, ſhall be lyable to the penalty of one hundred pounds *Scots*. And Ordains, That all Wrights, Glaſiers, Maſons, and all other ſorts of publick Work-men, ſhall work by this Foot meaſure allanerly, that the Lieges may not be abuſed by variety of meaſures. Providing alwayes, that this do infer no further priviledge to the Burgh of *Edinburgh*, in juſting of the Standard to the Shires and Burghs within the Kingdom, then the keeping of the ſame; nor to any others that have Standards of the like nature.

XIX.

ACT discharging Monday and Saturday Mercats in Royal Burghs.

OUR SOVERAIGN LORD considering, that there is much occasion given for profanation of the Lords-day in the Royal Burghs, by keeping their weekly Mercats on Monday and Saturday, and that the same may be as conveniently kept on other dayes of the week; Doth therefore, with advice and consent of His Estates in Parliament, Inhibit and Discharge all the Royal Burghs, from keeping any Mercats, in time coming, upon the Monday or Saturday, under the pain of one hundred Merks, to be payed by each of the Royal Burghs for every contravention *respective*: And allows them to change and keep their Mercats on other dayes of the week as they have done formerly, since the year, one thousand, six hundred, and fourty four, and that they make timeous intimation of the change to the next adjacent Burghs. It being alwayes Declared, that this Act is not to be extended against Fleshers in Royal Burghs, who may keep Mercat of Fleshes in their respective Burghs upon these dayes, this Act notwithstanding.

XX.

ACT anent Lint-seed, Hemp-seed and Steel.

THe Estates of Parliament, taking to consideration, the manifold mistakes and differences that do and may arise, betwixt the Farmers of Excise and Merchants, anent the exacting of Excise upon Lint-seed, Hemp-seed and Steel, which semes to be occasioned because these Commodities are not particularly excepted, in the Act of the Annuity, from payment of Excise: and being certainly informed, that the present Farmers of Excise and their Collectors, do require and exact duty of Hemp-seed, Lint-seed and Steel, contrary to the meaning of the said Act of Annuity, and of the 40 Act of this present Parliament, made for encouragment of Manufacturies. Therefore, Our Soveraign Lord, with advice and consent of His Estates of Parliament, Doth Declare, all Hemp-seed, Lint-seed and Steel to be included in the generality of the proviso of the said Act of Annuity; as also of the said fourtieth Act, whereby all materials for Manufacturies are exempted from Excise.

XXI.

ACT anent Manses and Glebs, and poinding for Ministers Stipends.

OUR SOVERAIGN LORD, considering the great difficulties which often-times the Ministers of the Gospel do meet with, in the due payment of their Rents and Stipends; So that they are sometimes forced to use legal execution by poinding, and in so doing are necessitate to carry the Goods poynded, to be appriſed at the Mercat-cross of the head Burgh of the Shire, Stewartry, Bailery or Regality, many miles distant from the place where the Goods are poinded, to the great prejudice of the party and of the Goods also. Therefore, His Majesty, with advice and consent of the Estates of Parliament, Declares, that it shall be sufficient to the Ministers foresaid, in poinding, appriſing, destrenzying the Goods of the persons deficient in payment of their Rents and Stipends, to compriſe the saids Goods, by honest sworn men, upon the ground of the Lands and place where the Goods are, which shall be as sufficient, as the same were done at the saids Mercat-crosses. And because, notwithstanding of divers Acts of Parliament made of before, divers Ministers are not yet sufficiently provided with Manses and Glebs, and others do not get their Manses free at their entry; Therefore, Our Soveraign Lord, with advice foresaid, Statutes and Ordains, That where competent Manses are not already built, the Heritors of the paroch, at the sight of the Bishop of the Dioceſs, or such Ministers as he shall appoint, with two or three of the most knowing and discreet men of the paroch, build competent Manses to their Ministers, the expences thereof not exceeding one thousand pounds, and not being beneath five hundred merks: And where competent Manses are already built, Ordains the Heritors of the paroch to relieve the Minister and his Executors of all cost, charges and expences, for repairing of the foresaid Manses; Declaring hereby, that the Manses being once built and repaired, and the building or repairing satisfied and payed by the Heritors in maner foresaid, the saids Manses shall thereafter be upholden by the incumbent Ministers during their possession, and by the Heretors in time of vacancy, out of the readiest of the vacand Stipend. In like-maner Ordains, that every Minister have Fewel, Foggage, Feal and Devots, according to the Act of Parliament, made in *anno*, one thousand, five hundred, and ninety three. As also, that every Minister (except such Ministers of Royal Buroughs, who have not right to Glebs) have Grass for one horse and two kine, over and above their Gleb, to be designed out of Kirk-lands, and with relief according to the former

Acts of Parliament ſtanding in force; And if there be no Kirk-lands lying near the Miniſters Manſe, out of which the graſs for one horſe and two kine may be deſigned, or otherwayes, if the ſaids Kirk-lands be arable Land, in either of theſe caſes, Ordains the Heritors to pay to the Miniſter and his Succeſſors yearly, the ſum of twenty pounds *Scots*, for the ſaid graſs for one horſe and two kine, the Heritors alwayes being relieved according to the Law ſtanding, of other Heritors of Kirk-lands in the ſaid Paroch. And becauſe ſeveral Kirks have no Glebs as yet deſigned to them, it is hereby ſpecially provided, that in all deſignations of Glebs, Incorporat-acres, in Village or Town where the Heritor hath houſes and gardens, the ſame ſhall not be deſigned, he alwayes giving other Lands neareſt to the Kirk. And His Majeſty, with advice foreſaid, for ſpecial cauſes and conſiderations, Declares, that this preſent Act, as to the Manſes, is to have force, as the ſame had been made and dated the fourteenth of *March*, one thouſand, ſix hundred, and fourty nine.

XXII.

ACT anent Compriſings.

OUR SOVERAIGN LORD, conſidering, that ſince the firſt day of *January*, one thouſand, ſix hundred, and fifty two, before the making of the ſixty two Act of the firſt Seſſion of this Parliament, entituled, *Act for ordering the payment of debts betwixt Creditor and Debitor*, divers perſons, having right by poſterior Compriſings to the Legal reverſion of the firſt Compriſing deduced of their Debitors Eſtate, have according to the Law then in force, redeemed or ſatisfied the firſt Compriſing, and acquired the right thereof for their own better ſecurity, leſt the legal reverſion of the firſt Compriſing ſhould have expired to their prejudice. And whereas, by an Clauſe of the foreſaid Act of parliament, it is Ordained, That all Compriſings, led ſince the ſaid firſt day of *January*, one thouſand, ſix hundred, and fifty two, within year and day of the firſt effectual Compriſing, ſhall come in *pari paſſu* together, in maner, and upon the proviſions, mentioned in the ſaid Act: Which Clauſe, as it is moſt juſt as to all Compriſings led, and ſtanding un-redeemed and un-ſatisfied by the ſubſequent Compriſers having right to the legal reverſion, So it were unjuſt to prejudge thoſe, who for their own ſecurity, have redeemed or ſatisfied the firſt Compriſing, as ſaid is, according to the Law then ſtanding. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Declares, that albeit the foreſaid Act was made *ad præterita*, to regulate the diligence uſed by Compriſings at the inſtance of the Creditors: Yet it was no wayes their meaning to prejudge poſterior Compriſers, who, *bona fide*, for their own ſecurity, and for preventing the hazard of the expiration of the legal reverſion of the firſt Compriſing, did redeem or ſatisfie the ſame; And Therefore it is Statute and Ordained, That the ſaids ſecond Compriſers ſhall no wayes be prejudged of the right of the foreſaid firſt Compriſing, redeemed and ſatisfied by them; Declaring nevertheleſs, that as to the ſecond or poſterior Compriſing, ſtanding in the parties perſon who ſatisfied the firſt, the ſame ſhall only come in with the reſt of the Compriſers, *pari paſſu*, as it is provided by the foreſaid Act. As likewayes Declaring, that theſe preſents be no wayes extended to any Compriſings ſatisfied by the ſecond Compriſers, ſince the making of the foreſaid Act of Parliament, or to be ſatisfied in time coming.

XXIII.

ACT anent Sentences of Excommunication.

OUR SOVERAIGN LORD conſidering, that the proviſo in the twenty fifth Act of the firſt Seſſion of Parliament, entituled, *Act for denounceing of excommunicat perſons*, anent the exhibiting the Proceſs and Sentence of Excommunication before the Lords of Seſſion, to the end they might conſider the legality of the Proceſs, and grounds whereupon the Sentence proceeded, before any Letters of denounciation ſhould paſs againſt the excommunicat perſons, was concluded before the reſtauration of the Biſhops, and is prejudicial and derogatory to the juriſdiction of Eccleſiaſtical Authority as it is now eſtabliſhed; Doth Therefore, with advice and conſent of His Eſtates of Parliament, Retreat and Reſcind the ſaid proviſo, and Declares the ſame to be void and null.

XXIV.

ACT for additional proviſion in favours of the Univerſities.

OUR SOVERAIGN LORD and the Eſtates of Parliament, taking into ſerious conſideration, the condition of the ſeveral Univerſities of this Kingdom; And finding, that the preſent mean and incompetent proviſion of the Maſters and Profeſſors thereof, is ſo prejudicial to the flowriſhing of theſe Seminaries of Church and State, that unleſs ſome conſiderable augmentation be ſetled upon them

them for their encouragment, the ableſt and fitteſt perſons of ingenious ſpirits and education, will ſhun and avoid the undertaking of Functions in Univerſities, for want of ſuch ingenuous means as ſhould invite, entertain, encourage and obliege men ſufficient for ſuch laborious imployments, to the great decay of Learning, and detriment of all ranks of Perſons in the Kingdom: For preventing and remeeding whereof, there being an expedient propoſed, that the Archbiſhops and Biſhops, and the reſt of the inferiour Clergy, may allow ſome part yearly of their Rents, Benefices and Maintenance, for the ſpace of five years to come, as an exemplary teſtimony of their piety and zeal, for the advancement of Learning and Religion. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Doth Statute and Ordain, That for the cropts and years, one thouſand, ſix hundred, and ſixty four, one thouſand, ſix hundred, and ſixty five, one thouſand, ſix hundred, and ſixty ſix, one thouſand, ſix hundred, and ſixty ſeven, and one thouſand, ſix hundred, and ſixty eight, there be raiſed yearly, out of the Rents of ilk Archbiſhop and Biſhop, the ſum of fifty pounds for every thouſand merks of the ſaids Revenues, and the ſum of fourty pounds out of every thouſand merks of the Stipends or Benefices of every Miniſter, and ſo proportionably ſix of the hundred, as the Benefice or Stipend ſhall be valued to be more or leſs by the Biſhops of the Dioceſſes; And that the ſaids ſeveral proportions, payable by the Biſhops, ſhall be yearly given in to the Archbiſhops of the reſpective Provinces, or ſuch as ſhall have warrand from them; and that the ſaids ſeveral proportions, payable by Miniſters, ſhall be yearly given in to the Biſhops of the reſpective Dioceſs, or ſuch as ſhall have warrand from them, and for whom the ſaids Biſhops ſhall be countable: Which ſums ſo to be raiſed, ſhall be diſtributed to the ſeveral Univerſities, according to thoſe proportions which ſhall be aſſigned by His Majeſty, by a Committee to ſit at *Edinburgh*, conſiſting of the Archbiſhops of Sanct-*Andrews* and *Glaſgow*, and the Biſhops of *Edinburgh* and *Aberdeen*, and four others, whereof one to be nominat by the Viſitors of the Univerſity of Sanct-*Andrews*, and another by the Viſitors of the Univerſity of *Glaſgow*, the third by the Viſitors of *Aberdeen*, the fourth by the Council of *Edinburgh*; Hereby authorizing the Archbiſhop of Sanct-*Andrews*, and in his abſence the Archbiſhop of *Glaſgow*, to preſide in the ſaid Committee, and to appoint their diets of meeting from time to time; and the Committee to take care, that the ſums thus allotted, ſhall be put into a Stock and ſetled upon Land or otherwayes, by advice of the reſpective Biſhops, who are Chancellors of the ſaids Univerſities; and Ordains the Annualrent of the ſaid Stock to be proportioned to the Maſters and Profeſſors of each Univerſity, as the Viſitors thereof ſhall appoint. And further, His Majeſty and Eſtates foreſaid, do Ordain, that Stipends, and all Benefices of Kirks that ſhall vaik after the firſt day of February, in this following year of God, one thouſand, ſix hundred, and ſixty four, for the ſpace of ſeven years next thereafter, ſhall be up-lifted by Collector thereof, and imployed by him in the maner, and according to the proportions above-ſpecified, for encreaſing of the Stock of each Univerſity: Declaring, that the fifty two Act of the firſt Seſſion of this Parliament, *Concerning the diſpoſal of vacand Stipends*, ſhall be of no force during the ſpace of the years foreſaid; And Ordains Letters of Horning and Poinding, and all other execution neceſſary, to be directed at the inſtance of the ſaids Biſhops, or any to be appointed by them; and at the inſtance of the ſaid Collector, for the more ſpeedy in-bringing of the ſums *reſpective* above-mentioned. Further, His Majeſty and the Eſtates of Parliament, do recommend to the Lords of the Privy Council, to entertain and promote any voluntary offer or contribution, for the ends aforeſaid, to be made by Noble-men or Gentlemen, for a work ſo worthy of the publick wiſdom, piety and honour of this Kingdom. It is alwayes Declared, that this Act ſhall be without prejudice of Acts paſt in this Parliament, for allowing the vacand Stipends of the Dioceſs of *Iſles* and *Argyl* for breeding of young Schollars, the ſum being regulate by the Committee above-named; and that this Act ſhall be no preparative for laying on any burdens on the Clergy hereafter, without their own conſent.

XXV.

ACT regulating the proportions of Exciſe in the ſeveral Shires and Burghs.

THe Eſtates of Parliament, taking to their conſideration, the grievances repreſented to them by ſeveral Shires and Burghs, anent the excesſive proportions of Exciſe laid upon them by the late Act of Parliament, and what great burthen the Land-rent of the ſaids Shires and Burghs lyes under, for making up the ſaids proportions, and the great eaſe which ſeveral other Shires have in their proportions; And it being juſt and reaſonable, that all publick impoſitions of that nature, ſhould be equally diſtributed upon thoſe lyable in payment thereof. Therefore, the Kings Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, that the ſeveral Shires and Burghs of this Kingdom, ſhall, for the Moneths of November and December next, one thouſand, ſix hundred, and ſixty three, and January one thouſand, ſix hundred and ſixty four years, and in all time thereafter, be lyable in the monethly payment of the reſpective proportions under-written, *viz.* The Shire of *Edinburgh* principal, in the ſum of two thouſand, one hundred, and fourty pounds Scots money;

The

The Town of *Edinburgh*, in the ſum of two thouſand, nine hundred, thirty two pounds; The Shire of *Haddingtoun*, in the ſum of one thouſand, two hundred, fourſcore and eleven pounds; The Shire of *Berwick*, in the ſum of ſix hundred, and ten pounds, ſixteen ſhillings; The Shire of *Roxburgh*, in the ſum of ſeven hundred, threeſcore twelve pounds, ſixteen ſhillings; The Shire of *Selkirk*, in the ſum of one hundred, fourty ſeven pounds, ten ſhillings; The Shire of *Peebles*, in the ſum of one hundred, thirty ſeven pounds, ten ſhillings; The Shire of *Lanerick*, in the ſum of nine hundred, threeſcore eight pounds, eight ſhillings; The Town of *Glaſgow*, in the ſum of one thouſand, threeſcore, ſixteen pounds, four ſhillings; The Shire of *Dumfrieſe*, in the ſum of ſix hundred, fifty ſix pounds; The Shire of *Wigtoun* and *Kirkcudbrugh*, in the ſum of ſeven hundred, thirty two pounds, twelve ſhillings, whereof the Stewartry of *Kirkcudburgh* is to pay the ſum of four hundred, threeſcore, one pounds, and the Shire of *Wigtoun*, the ſum of two hundred, threeſcore, eleven pounds, twelve ſhillings; The Shire of *Air*, in the ſum of one thouſand, ſix hundred, thirty nine pounds, ſixteen ſhillings; The Shire of *Dumbartoun*, in the ſum of two hundred, fifty four pouuds; The Shire of *Bute*, in the ſum of fifty ſeven pounds; The Shire of *Renfrew*, in the ſum of four hundred, fifty ſeven pounds, four ſhillings; The Shire of *Stirling*, in the ſum of nine hundred, and three ſcore pounds, eight ſhillings; The Shire of *Linlithgow*, in the ſum of ſeven hundred, fourſcore nineteen pounds, four ſhillings; The Shire of *Perth*, in the ſum of two thouſand, three hundred, threeſcore, fourteen pounds, ſixteen ſhillings; The Shire of *Kincardin*, in the ſum of three hundred, threeſcore, three pounds, twelve ſhillings; The Shire of *Aberdeen*, in the ſum of two thouſand, four hundred, and eighteen pounds, nineteen ſhillings; The Shire of *Bamff*, in the ſum of four hundred, fourty ſeven pounds, three ſhillings; The Shire of *Innerneſs*, in the ſum of ſeven hundred, fourſcore, fourteen pounds, eight ſhillings; The Shires of *Elgin* and *Nairn*, in the ſum of five hundred, fourſcore ſixteen pounds, four ſhillings; The Shire of *Cromarty*, in the ſum of twenty four pounds; The Shire of *Argyl*, in the ſum of four hundred, fourty three pounds, ſixteen ſhillings; The Shire of *Fife* and *Kinroſs*, in the ſum of three thouſand, ſix hundred, and eight pounds, eight ſhillings; The Shire of *Forfar*, in the ſum of one thouſand, twenty four pounds, four ſhillings; The Town of *Dundee*, in the ſum of ſeven hundred, and eighteen pounds, four ſhillings; The Shire of *Sutherland*, in the ſum of threeſcore twelve pounds, twelve ſhillings; The Shire of *Caithneſs*, in the ſum of one hundred, fifty three pounds, four ſhillings; The Shire of *Orknay* and *Zetland*, in the ſum of two hundred, fourty three pounds, ſixteen ſhillings; The Shire of *Clackmannan*, in the ſum of two hundred, and ſix pounds, two ſhillings; And the Shire of *Roſs*, in the ſum of two hundred and four pounds, money foreſaid; Any thing in the ſaid Act of Parliament to the contrary notwithſtanding, which is hereby, Declared to be of no force or effect, as to the proportions of the ſaid Exciſe. after the ſaid firſt day of *November* next.

XXVII.

An humble Tender to His Sacred Majeſty, of the duty and loyalty of His ancient Kingdom of Scotland.

FOraſmuch, as the Eſtates of Parliament, upon conſideration of the great bleſſings this Kingdom enjoyeth, under the protection of His Majeſties Authority and the adminiſtrations of His Royal Government; being thereby not only delivered from their former troubles, and all the evils which attend ſuch uſurpations, but being fully reſtored to, and poſſeſt of, all the liberties and priviledges of a free people; Have, by their ſeveral addreſſes to His Sacred Majeſty, made offer of their lives and fortunes, and all that is deareſt to them, for the advancement of His Royal Honour, Authority and Greatneſs. And this Kingdom being ſtill more and more ſenſible of this their happineſs, by the often and renewed expreſſions of His Majeſties grace & favour, and of His tenderneſs and care of their preſervation, in the peaceable and ſecure enjoyment of their Religion, Laws, Liberties and Properties; Do find themſelves the more obliged to renew the expreſſions of their duty and loyalty to His Majeſty. And therefore, the Eſtates of Parliament, of this His Majeſties ancient Kingdom of *Scotland*, do, in name and behalf of all His Majeſties good Subjects within the ſame, by theſe preſents, renew the dutiful tender of their lives and fortunes, for the promoving of His Majeſties Service and the advancement of His Royal Authority. And as they do chearfully recognoſce His Majeſties Royal Prerogative and undoubted Right of the ſole power of raiſing, arming and commanding of *His* Subjects; So, in a further acknowledgment of their duty, they do make humble and hearty offer to *His* Majeſty, of twenty thouſand Foot-men and two thouſand *Horſe*-men, ſufficiently armed, and furniſhed with fourty dayes proviſion, to be raiſed from the ſeveral Shires of the Kingdom, according to the Proportions following, *viz.* From the Shires of *Roxburgh* and *Selkirk*, one thouſand, three hundred, thirty three Foot, and one hundred, fourty, eight *Horſe*. From the Shire of *Berwick*, eight hundred, Foot, and ſeventy, four *Horſe*. From the Shire of *Edinburgh*, eight hundred Foot, and ſeventy four *Horſe*. From the Shire of *Haddingtoun*, eight hundred Foot, and ſeventy, four *Horſe*. From the Shire of *Peebles*, two hundred, ſixty ſix Foot, and twenty nine *Horſe*. From the Shire of *Linlithgow*, three hundred, thirty three Foot, and forty two *Horſe*. From the Burgh of *Edinburgh*, *Lieth* and *Canongate*, eight hundred Foot.

From

From the Shire of *Dumfries*, eight hundred Foot, and eighty eight Horſe. From the Shire of *Wigtoun*, eight hundred Foot, and eighty eight Horſe. From the Shires of *Air* and *Renfrew*, one thouſand, three hundred, thirty three Foot, and one hundred, ſeventy; ſix Horſe. From the Shire of *Lanerick*, one thouſand Foot, and one hundred, fourty, eight Horſe. From the Shires of *Stirling* and *Clackmannan*, ſix hundred ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Fife* and *Kinroſs*, one thouſand, ſix hundred Foot, and one hundred, ſeventy, ſix Horſe. From the Shire of *Perth*, one thouſand, ſix hundred Foot, and one hundred, ſeventy, ſix Horſe. From the Shire of *Forfar*, one thouſand Foot, and one hundred and three Horſe. From the Shire of *Kincardin* and *Marſhals* part of *Aberdeen*, eight hundred Foot, and ſeventy four Horſe. From the reſt of *Aberdeen* and Shire of *Bamff*, one thouſand, ſixty ſix Foot, and one hundred ſeventy ſix Horſe. From the Shires of *Elgin*, *Nairn*, and this ſide of *Neſs*, one thouſand Foot, and eighty eight Horſe. From the Earl of *Seafort* and Lord *Lovat*, their diviſion of *Innerneſs*, ſix hundred, ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Sutherland* and *Caithneſs*, and the reſt of *Innerneſs*, one thouſand, ſixty ſix Foot, and eighty eight Horſe. From the Shires of *Argyl*, *Dumbartoun* and *Bute*, eight hundred Foot. From the Shire of *Orknay*, ſix hundred, ſixty ſix Foot; which Forces are to be in readineſs, as they ſhall be called for by His Majeſty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for ſuppreſſing of any forreign invaſion, inteſtine trouble or inſurrection, or for any other ſervice wherein His Majeſties Honour, Authority or Greatneſs may be concerned. And for the better proſecution hereof, the Eſtates of Parliament do humbly entreat, His Majeſty may be graciouſly pleaſed to give Commiſſions to ſuch perſons to be general Officers, Colonels, Lieutenant-collonels, Majors and Rute-maſters, as His Majeſty, in His Royal judgment, ſhall think fit; And for other Officers, or any other thing fitting to be done for perfecting of the Levies and carrying on of this buſineſs, they do humbly recommend to His Majeſty, to give His direction therein to His Privy Council, who are hereby impowered with Commiſſion and Authority, for the ordering, diſpoſing and ſole managing of this Affair, in ſuch a way, as this dutiful offer of the Parliament to His Majeſty may be made moſt effectual, and according to the inſtructions and commands they ſhall receive from His Majeſty. And the Eſtates of Parliament do Declare, that if His Majeſty ſhall have further uſe of their ſervice, this Kingdom will be ready, every man betwixt ſixty and ſixteen, to joyn and hazard their lives and fortunes, as they ſhall be called for by His Majeſty, for the ſafety and preſervation of His ſacred Perſon, Authority and Government.

XXVII.

ACT aſſerting His Majeſties Prerogative in the ordering and diſpoſal of Trade with forraigners.

THe Eſtates of Parliament conſidering, that during the late troubles, divers invaſions were made upon the Royal Prerogatives of the Crown; And that in a juſt abhorrence thereof, and in a due ſenſe of the happineſs they enjoy under His Majeſties Government, they are obliged on all occaſions to vindicate and aſſert the ſame, in the ſeveral branches thereof: And ſince the ordering and diſpoſal of Trade with forraign Countries, and the laying of reſtraints and impoſitions upon forraign imported Marchandizes, is, by the Law of Nations, acknowledged to be proper to, and inherent in, the perſons of all free Princes, as an undoubted Prerogative of the Crown. They therefore, in a dutiful and humble recognizance of His Majeſties Prerogative-royal, do Declare, That the ordering and diſpoſal of Trade with forraign Nations, and the laying of reſtraints and impoſitions upon forraign imported Commodities, doth belong to His Majeſty and His Succeſſors, as an undoubted Priviledge and Prerogative of the Crown; And that by vertue thereof, they may lay ſuch impoſitions and reſtraints upon imported forraign Commodities, and ſo order and diſpoſe upon the Trade of them, as they ſhall judge fit for the good of the Kingdom. Likeas, the King's Majeſty, with advice and conſent of His Eſtates in Parliament, doth hereby Reſcind and Annul all Acts, Statutes, Conſtitutions and Cuſtoms to the contrary; And Declares the ſame void and null in all time coming.

XXVIII.

COMMISSION for plantation of Kirks and valuation of Teinds.

THe King's moſt Excellent Majeſty, being deſirous to proſecute the work of valuation of Teinds and plantation of Kirks, in reference to His own intereſt for the annuity, and the univerſal good of His people, eſpecially for the incouragment of the Miniſters of the Goſpel; Doth with advice and conſent of His Eſtates of Parliament, Ratifie and Approve the nineteenth Act of the Parliament, holden at *Edinburgh* by His Royal Father of bleſſed memory, in *anno*, one thouſand, ſix

hundred and thirty three, (entituled, Commiſſion for valuation of Teinds,) in the whole heads, clauſes and conditions thereof, except in ſo far as there hath been any alterations made therein, by Acts and Commiſſions made and granted by His Majeſty ſince the date of the ſaid Act, or granted by any pretended Parliaments ſince, and which are Ratified, Salved or Reſerved by this preſent Parliament; and which alterations are not deſtructive of, and contrary to, this preſent Act, or any clauſe thereof. And ſicklike, Ratifies and Approves the ſixty one Act of the firſt Seſſion of this preſent Parliament, entituled, Commiſſion for plantation of Kirks, &c. in the whole Heads, Articles and Clauſes thereof, except in ſo far as the ſame may be contrary to this preſent Act, as ſaid is. And His Majeſty, with advice and conſent foreſaid, gives full power and commiſſion to *James* Archbiſhop of St. Andrews; *William* Earl of Glencairn, Chancellor; *John* Earl of Rothes, Theſaurer; *Alexander* Archbiſhop of Glaſgow; *William* Earl Marſhal, Privy-Seal; *Duke* of Hamiltoun; *Marqueſs* of Montroſe; Earl of *Lauderdail*, Secretary; Earl of *Eglinton*; Earl of *Linlithgow*; Earl of *Kelly*; Earl of *Haddington*; Earl of *Annandail*; Earl of *Leiven*; Earl of *Tweddail*; *George* Biſhop of Edinburgh; *James* Biſhop of Galloway; *George* Biſhop of Dunkel; Biſhop of Aberdeen; *John* Biſhop of Roſs; *Robert* Biſhop of Dumblane; Biſhop of Orknay; *William* Lord Bellenden, Theſaurer-depute; Sir *John Gilmore*, Preſident of the Seſſion; Sir *Archibald Primeroſe*, Clerke Regiſter; His Majeſties Advocat; Sir *John* Home of Renton, Juſtice Clerk; Sir *James Lockhart* of Lee; Sir *John Scougal* of whitekirk; *Charles Maitland* of Halton; Sir *Thomas Hamiltoun* of Preſton; Sir *John Wauchop* of Nidrie; Sir *Robert Fletcher* of Salton; Sir *Henry Wardlaw* of Pitrevy; *William Scot* of Ardroſs; Sir *Andrew Ramſay*, Provoſt of Edinburgh; Sir *Robert Murray* there; Sir *Archibald Sydſerf*; Sir *Alexander Wedderburn*; Sir *William Thomſon*; *John Miln*; *Robert Lentron*, Provoſt of St. Andrews; Mr. *John Paterſon*, Provoſt of Perth; *William Seatoun*, Provoſt of *Haddingtoun*; or any fifteen of them; whereof three of the Clergy, three of the Nobility, three Officers of State, three Commiſſioners of Shires, and three of Burghs; of which number, the Archbiſhop of St. *Andrews*, or the Chancellor, or the Theſaurer, or the Archbiſhop of *Glaſgow*, or the Privy-Seal, or the Secretary, or the Duke of *Hamiltoun*, or the Earl of *Haddingtoun*, or any of them, being alwayes one, to meet and conveen at *Edinburgh*, the day of one thouſand, ſix hundred and ſixty years; and at ſuch other place or places, times and diets as they ſhall appoint, to value, and cauſe be valued, whatſoever Teinds, great or ſmall, Parſonage or Vicarage, of whatſoever Lands within this Kingdom, lyable to the payment of Teinds, which are yet un-valued; Excepting alwayes the Teithes of the Archbiſhops, Biſhops and other beneficed perſons, whereof they were in real and actual poſſeſſion, by leading and collecting the ſame, in the year, one thouſand, ſix hundred and twenty eight; And with proviſion, that they be not prejudged of the Fruits and Rents of their ſeveral Benefices, as the ſame was poſſeſt by them, *anno*, one thouſand, ſix hundred and thirty ſeven, conform to the Submiſſion made by the Biſhops to His Majeſty in the ſaid year, and Decreet arbitral following thereupon: With power to the ſaids Commiſſioners, or *quorum* foreſaid, to appoint Sub-commiſſioners, conform to the former Acts and Commiſſions for valuation of Teinds, and receive reports from them. And with power to them, where Miniſters are not already ſufficiently provided, or have not Localities aſſigned to them for their Stipends, out of the Teinds within the Paroch where they ſerve the Cure, to modifie, ſettle and appoint conſtant local Stipends to ilk Miniſter, out of the Teinds of the Paroch where they ſerve the Cure, in ſo far as the ſame will amount to, according to the quantities of victual or money mentioned in the ſaids Acts and Commiſſiones, and to decide and proportion the ſaids Localities. And with power too diſ-joyn to large and ſpacious Paroches, to cauſe erect and build new Churches, to diſmember and annex Kirks, as they ſhall think juſt; and to take order, that every Heretor and Life-renter ſhall have the leading and buying of their own Teinds, if they be willing, according to the rates preſcribed by former Commiſſions; Particularly, by the Commiſſion granted by His Majeſty, with conſent of the Eſtates of parliament, in *anno*, one thouſand, ſix hundred and thirty three; with power to them to determine all queſtions concerning the prices of Teinds, betwixt Titulars and others having right thereto, and the Heretors; and to appoint ſuch ſecurities, in favours of the Titulars and others having right to the Teind, for the prices to be granted by Heretors, payers of the valued duties, or buyers of the ſaid Teinds, and in favours of the Miniſters, as to their maintenance, as the ſaids Commiſſioners ſhall think fitting, according to the rule ſet down in the ſaids former Acts, namely in the ſaid Act, *anno*, one thouſand, ſix hundred and thirty three. Declaring, That where the Vicarage of any Paroch is a ſeveral Benefice and Title from the Parſonage, the ſame ſhall be ſeverally valued; to the effect, the Titulars or Miniſters ſerving the Cure, having right to the ſaid Vicarage, be not fruſtrat of the true worth thereof; And that Titulars, and others having right to Teinds, ſhall not be forced to diſpone any Teinds, valued or to be valued, which ſhall be aſſigned, diſponed and allocat to the Miniſter ſerving the Cure of the Paroch. As alſo, with power to the ſaids Commiſſioners or *quorum* foreſaid, to rectifie whatſoever Valuations, led or to be led to the enorm prejudice of the Titulars, and to the hurt and detriment of the Kirk, and prejudice of the Miniſters maintenance and proviſions, or of His Majeſties Annuity. Provided alwayes, likeas it is hereby expreſly provided, that where Valuations are lawfully led, againſt all parties having intereſt, and allowed by former Commiſſiones, the ſame ſhall not be drawn in queſtion, nor rectified upon the pretence of enorm leſion, at the inſtance of the Miniſter (not being Titular) or at the inſtance of His Majeſties Advocat, in reſpect of His Majeſties Annuity, except it be proven that colluſion

was

was uſed betwixt the Titulars and Heretors, or betwixt the Proctor-fiſcal and Heretors and Titulars; which colluſion is declared to be, where the Valuations are led with the diminution of the third of the juſt Rent, which diminution ſhall be proven by the parties Oaths. And albeit all the Acts of the pretended Parliaments, in the years, one thouſand, ſix hundred, and fourty, one thouſand, ſix hundred, and fourty one and thereafter, are declared, by an Act of this Parliament, null and of no avail in all time coming: Yet, it is hereby Declared, That all and whatſoever Valuations, Acts, Sentences and Decreets, done and paſt by any Commiſſions granted by the ſaids pretended Parliaments, with all executions uſed or to be uſed thereupon, are and ſhall be as valide in all time coming, as if the ſaids Valuations, Acts, Sentences and Decreets, had been given and pronounced by perſons legally impowered to that effect, any thing in the foreſaid reſciſſory Act to the contrary notwithſtanding; Excepting ſuch Decreets of Valuation, modification of Stipends, or augmentations thereof, paſt and granted ſince the year, one thouſand, ſix hundred, and thirty ſeven, whereby the ſaids Archbiſhops or Biſhops are prejudged of any part of their Rents, whereof they were in poſſeſſion in the ſaid year thirty ſeven. And although, by a ſpecial Act of this preſent Parliament, the pretended Parliament, holden in *anno*, one thouſand, ſix hundred, and fourty nine; and in the beginning of the year, one thouſand, ſix hundred and fifty, is, from the beginning, Declared void and null, and all that had followed thereupon; Yet nevertheleſs, His Majeſty doth, with advice foreſaid, authorize all Valuations, Acts, Decreets and Sentences, led, deduced and pronounced by the Commiſſions, one or moe, appointed by the ſaid pretended Parliament, for plantation of Kirks and Valuation of Teinds, and all execution competent thereupon; Excepting ſuch Decreets and Sentences, given in favours of Miniſters for their Stipends, or for dividing, uniting, annexing or building of Kirks, which ſhall be found to have been unjuſtly or exorbitantly decerned: The determination whereof is hereby referred by His Majeſty, with conſent foreſaid, to the ſaids Commiſſioners, that they, after hearing of parties and conſideration of particulars, may take ſuch courſe, for altering, annulling, or allowing of the ſaids Acts, Decreets and Sentences, as they ſhall think fitting, conform to the Laws, practick and Cuſtom obſerved preceeding the year, one thouſand, ſix hundred, and fourty nine; And ordains Proceſſes, upon ſupplications, to be ſummarily granted, parties alwayes being cited, and that without any reduction. And it ſhall be lawful to the ſaids Commiſſioners, or *quorum* foreſaid, to proceed in all Summons and Actions to be intended for that effect, within the ſpace of two years after the firſt down-ſitting of the Commiſſion. And whereas it may fall out, that ſome of the ſaids Commiſſioners, may be un-able to attend the ſervice, through death, ſickneſs, or other known impediment; Therefore, His Majeſty Declares, that He ſhall be careful to fill their places with other perſons qualified, whoſe oaths for faithful diſcharge of the ſame ſhall be taken by the Lord Chancellor, or in his abſence, by the Preſident of the ſaid Commiſſion for the time; And Ordains this preſent Commiſſion to endure ay and while the ſame be diſcharged by His Majeſty; and the Acts, Decreets and Sentences thereof, to have the force, ſtrength and effect of a Decreet and Sentence of Parliament, and the Lords of Seſſion to grant and direct Letters of Horning, Poinding and others requiſit, in manet contained in the foreſaids Commiſſions. And conſidering, that it was the will and pleaſure of His Majeſties Royal Father, that all Heretors, who ſhould be willing to buy, ſhould have their own Teinds, at reaſonable rates; Therefore, His Majeſty, with advice foreſaid, Statutes and Ordains, That all Heretors, whoſe Teinds are not valued, (excepting as is formerly excepted in this Commiſſion) ſhall have liberty to value and buy the ſame, at ſuch rates as is contained in the Acts of Parliament, one thouſand, ſix hundred, and thirty three. With power to the ſaids Commiſſioners, to augment the ſaids rates according to the burden of augmentation, and others ſuſtained by the Titulars ſince the ſaids Acts; and the ſaids Heretors to have the liberty of buying, as ſaid is, within the ſpace of three years after the Valuation. With this Declaration alwayes; That in caſe the impediment, during the time foreſaid, flow from the Titular, by reaſon of his minority or other in-ability, in that caſe, the Heretor who offers himſelf ready to buy his own Teind, within the ſpace foreſaid, ſhall have place, ſo ſoon as the impediment is removed, to buy his Teinds, notwithſtanding of the expiring of the years and ſpace above-expreſt. And it is Declared, that if the Heretor be Minor, and his Tutors neglect the buying of his Teinds within the foreſaid ſpace, the Minor ſhall have action for two years after his minority, to compel the Titular for ſelling of his ſaids Teinds; And His Majeſty, with conſent foreſaid, hereby diſcharges all former Commiſſions, Declaring the ſame to be expired.

XXIX.

ACT anent penal Statutes.

THe King's moſt Excellent Majeſty, having, out of His grace and goodneſs to His Subjects, granted an full and free Act of Indemnity, Pardon and Oblivion, for all crimes and offences committed by them, relating to the late troubles, and more fully expreſt in the tenth Act of the ſecond Seſſion of this Parliament. And conſidering, that beſides theſe, there be divers arbitrary and pecunial pains adjected to penal Statutes, which being ſtrictly exacted, would prove an heavy burden to the Subjects who may be lyable thereto. And His Majeſty being deſirous, now at the cloſe of this His firſt Parliament, that all His good Subjects may find the effects of His mercy, as to exceed all former preſidents, ſo to be beyond their own expectation; Hath therefore thought fit, with the advice and conſent of His Eſtates of Parliament, by theſe preſents, to diſcharge, Pardon and remit all contraveeners of any penal Statutes, for all deeds heretofore done by them, contrary to the tenour thereof; Excepting the Statutes concerning the unlawful taking of Uſury, tranſporting of Silver and Gold, ſlaying of red and black Fiſh, and all Acts and Statutes paſt in this preſent Parliament, which are no wayes diſcharged by this preſent Act.

XXX.

A *CT Salvo Jure cujuſlibet.*

OUR SOVERAIGN LORD and Eſtates of Parliament, conſidering, that in this laſt Seſſion of this preſent Parliament, many particular Acts and Ratifications have been paſt, wherein divers Clauſes may be inſerted, prejudicial to the rights and intereſts of ſeveral perſons, albeit it hath alwayes been His Majeſties purpoſe and meaning, and the purpoſe and meaning of the Eſtates of Parliament, in this, as in all preceeding Parliaments, That all particular Acts and Ratifications, general or ſpecial, howſoever conceived (where perſons concerned have not been heard, for their Intereſt before the paſſing thereof) ſhould not prejudge private Rights of parties. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all particular Acts and Ratifications whatſoever, paſt in this laſt Seſſion of this preſent Parliament, ſhall be interpreted *Salvo jure cujuſlibet*; Excepting alwayes, an Act and Ratification paſt in this Seſſion of Parliament, in favours of the Duke and Dutcheſs of *Buccleuch*, of their Contract of Marriage, which is Declared by His Majeſty and Eſtates of Parliament, no wayes to be comprehended herein.

Extracted from the Records of Parliament, by Sir Archibald Primeroſe *of* Cheſter *Knight and Barronet, Clerk of His* Majeſties *Council, Regiſters and Rolls.*

A. PRIMEROSE,

Cls. Regiſter.

FINIS.

A TA-

A TABLE

Of the Printed ACTS.

1 *ACT anent the way and maner of Election of the* Lords *of the Articles.*
2 *Act againſt ſeparation and diſobedience to Eccleſiaſtical Authority.*
3 *Additional Act concerning the Declaration to be ſigned by all perſons in publick Truſt.*
4 *Act againſt Protections.*
5 *Act for the eſtabliſhment and conſtitution of a National* Synod.
6 *Act anent ruinous houſes in Royal* Burghs.
7 *Act diſcharging the importation of Strong-waters*, &c.
8 *Act diſcharging the mixing of Tin with Lead.*
9 *Act anent the diſcharging of Advocations for ſums within two hundred merks.*
10 *Act in favour of Minors, anent the duties of the Lands compriſed from them.*
11 *Act againſt exportation of money forth of the Kingdom.*
12 *Act for encouragment of Tillage and Paſturage.*
13 *Act for a new Impoſition upon Engliſh Commodities.*
14 *Act impoſing a Cuſtom upon Corn imported from* Ireland *into this Kingdom.*
15 *Act for in-bringing of His Majeſties Rents.*
16 *Act concerning Beggars and Vagabonds.*
17 *Act anent the meaſure of Coal.*
18 *Act anent the Foot-meaſure.*
19 *Act diſcharging Monday and* Saturday *Mercats in Royal Burghs.*
20 *Act anent Lint-ſeed, Hemp-ſeed and Steel.*
21 *Act anent Manſes and Glebs, and poinding for Miniſters* Stipend.
22 *Act anent Compriſings.*
23 Act *anent* Sentences *of Excommunication.*
24 Act *for additional proviſion in favours of the Univerſities.*
25 Act *regulating the proportions of Exciſe in the ſeveral Shires and Burghs.*
26 *An humble Tender to His* Sacred *Majeſty, of the duty and loyalty of His ancient Kingdom of* Scotland.
27 Act *aſſerting* His *Majeſties Prerogative, in the ordering and diſpoſal of Trade with foraigners.*
28 *Commiſſion for plantation of Kirks and valuation of Teinds.*
29 Act *anent penal Statutes.*
30 *Act* Salvo jure cujuſlibet.

FINIS.

A TABLE

Of the ſpecial ACTS and RATIFICATIONS, paſt in the ſeveral Seſſions of this Parliament, which are not imprinted.

FIRT SESSION.

PRoteſtations by ſome Noble-men, Commiſſioners from Shires and Burghs, concerning their precedencies in the Rolls of Parliament.
Act diſcharging Sir *Archibald Johnſtoun* of all publick Truſt.
Act concerning the Burial of the Corps of the late Marqueſs of *Montroſe* and Laird of *Dalgety*.
Commiſſions for the Lords of the Articles and Bills.
Exoneration to Mr. *John Young*, concerning the Regiſters.
Record of the production of the Patents granted by His Majeſty to His Officers of State, and their Admiſſions.
Record of the production of ſome Patents of Honour.
Decreet Earl of *Dalhouſie* and others, againſt Mr. *Robert Hodge*.
Act in favours of the Laird of *Mackclean*.
Precognition in favours of the Maſter of *Bamff*.
Commiſſion to Mr. *John Wilkie*, to collect the vacand Stipends.
Act reſcinding the pretended forfeiture of the Marqueſs of *Montroſe*.
Act allowing Meſſengers to execute Summons of Treaſon.
Exoneration in favours of the Earl of *Crawfurd* and *Lindſay*.
Act concerning the Magiſtrates of *Kirkwal*.
Act for an Impoſition at the Bridge of *Muſleburgh*.
Commiſſion for viſiting the Univerſity of *Aberdeen*.
Act anent the election of the Magiſtrates of *Montroſs*.
Decreet *Archibald Lamont* contra *Campbel*.
Act for an Impoſition at the Calſees of *Cowie-month*,
Reference *Mackenzie* contra *Mackpherſon*.
Decreet Earl of *Perth* contra Sir *George Mouat*.
Acts in favours of ſome Miniſters for their Stipend.
Act in favours of Col. *Weymes*, Col. *Leſly* and *James Scot*.
Letter and Act in favours of the Laird of *Renton*.
Act for a Bridge at *Ramal-wel-craig* on *Clyd*.
Act in favours of the Town of *Wigtoun* concerning a Bridge.
Decreet *Lockhart* contra *Bonar*.
Decreet *Mackenzie* of *Redcaſtle*, contra *Gilbert Ker* and others.
Decreet *Elizabeth Dutchy*, contra *Henry Denniſtoun*.
Act anent the Cuſtom and Price of imported Tobacco-pipes.
Decreet *Carnaigie* contra *Carnaigie*.
Ratification to the Earl *Marſhal* of the Sheriff-ſhip of *Aberdeen*.
Proteſtation by the Earl of *Roxburgh*, in name of the Marqueſs of *Huntly*, againſt the ſame.
Ratification in favours of Maſter *Adam Cunningham* of *Wood-hall*, of the Commiſſariot of *Dumfreis*.
Ratification in favours of the new Colledge of *Aberdeen*.
Proteſtation by the Town of *Aberdeen* againſt it.
Ratification in favours of Sir *John Urghuart* of *Cromarty*.
Ratification to Maſter *Hary Hay*, of the Commiſſar-clerkſhip of *Edinburgh*.
Ratification to *John Ramſay* of his Office from the Lord Regiſter.
Ratification in favours of the Burgh of *Elgin*.
Ratification in favours of *Thomas Manſon*.
Ratification of the erection of the Kirk of *Kinloſſe*.
Ratification to Maſter *Thomas Young*, of the Commiſſar-clerkſhip of *Lauder*.
Ratification of the erection of the Town of *Findorn* in a Burgh of Barony.
Proteſtation Town of *Forres* againſt it.
Ratification in favours of *Wat*.
Ratification to Maſter *James Nicholſon* of the Commiſſariot of *Brichen*.
Ratification to *Iohn Newel*.
Ratification in favours of *Hary Blaickwood*.

Ratification to *Alexander Monro* of the Commiſſariot of *Sterling*.
Act concerning the Town of *Kirkwal*.
Ratification to the Town of *Edinburgh* of the regality of the *Cannongate*.
Ratification to the Town of *Edinburgh* of the mark upon the Tun.
Ratification Town of *Edinburgh* of the Land called *The Kings work in* Leith.
Ratification Town of *Edinburgh* of the Cuſtoms at the Houſe in the *Mure*.
Ratification of the Town of *Edinburghs* new Charter of Confirmation.
Act in favours of Mr. *James Daes*.
Commiſſion for tryal of the burning the Gates of *Drumlanrig*.
Act concerning the Earl of *Perth* and Lord *Drummonds* loſſes.
Act concerning Sir *Thomas Hamiltoun* of *Preſtoun* his Writes.
Act reſcinding the pretended forfeiture of the Marqueſs of *Huntly*.
Act reſcinding the pretended forfeiture of *Mackdonald* of *Largy*.
Act reſcinding the pretended forfeiture of Sir *John Gordoun* of *Haddo*.
Act for a contribution for repairing the Harbour of *Peterhead*.
Act in favours of the Town of *Dunce*.
Act in favours of *George Campbel*.
Modifications to ſuffering Miniſters out of the vacand Stipends.
Ratification in favours of the Earl of *Mar*.
Ratification in favours of the Town of *Nairn*, and Proteſtation by the Laird of *Caddel* againſt it.
Ratification in favours of the Earl of *Panmure*, and Proteſtation by the Burgh of *Arbroth* againſt it.
Ratification in favours of the Burgh of *Innerneſs*, and Proteſtation for *Redcaſtle Dunean* and the Burghs of *Forteroſs*, *Cromarty* and *Dingwal* againſt it.
Ratification in favours of the Earl af *Linlithgow*.
Ratification to the Earl of *Callander*.
Ratification to the Town of *Muſleburgh*.
Ratification in favours of *Robert Thomſon*, and Proteſtation by the Earl of *Athol* againſt it.
Ratification in favours of Maſter *Thomas* Murray.
Ratification in favours of Maſter *John Finlay*.
Ratification in favours of the Burgh of *Wigtoun*.
Act for a weekly Mercat and two Fairs yearly in *Bouden*.
Ratification in favours of the Royal Burroughs.
Ratification in favours of the Earl of *Weymes*.
Ratification in favours of the Burgh of *Kirkcaldy*.
Commiſſions for trying ſome perſons ſuſpected of witch-craft.
His Majeſties nomination of the Lords of Seſſion and their Admiſſion.
Act for the ſitting and diets of the Seſſion.
The Lord Regiſters nomination of the Clerks to the Seſſion, to the regiſtration of Seaſings and admiſſion of Notars, and their admiſſion, conform to their Gifts from the Lord Regiſter.
Act eſtabliſhing the Sheriffdom of *Roſs* and the bounds of it.
Commiſſions for the Fiſhings on the waters of *Ugie* and *Itham*.
Act to *James Weymes* for a new invention of Milnes, *&c.*
Act in favours of the Earl of *Lauderdaile*, anent the Lordſhip and Regality of *Muſleburgh* and Superiority thereof.
Proteſtation by the Lord *Colintoun*, that the ſaid Act ſhould not prejudge him of his Right to the Teind of the Paroch of *Hales*.
Act in favours of the Earl of *Lauderdaile*.
Act in favours of the Earl of *Lauderdaile*, concerning the Writes and Securities of his Lands.
Act concerning the Earl of *Caſſils*.
Act anent the Lights on the *May*.
Act reſcinding the pretended forfeiture of the Laird of *Glengairy*.
Act reſcinding the pretended forfeiture of *Macklean* of *Lochbouy*.
Act reſcinding the pretended forfeiture of *Macklean* of *Kingerloch*.
Decreet Earl *Southesk* and Lord *Burghly*, againſt the Shire of *Fife*.
Decreet Marqueſs of *Montroſe* againſt the Marqueſs of *Argyl*.
Decreet Laird of *Dury*, contra Duke of *Hamiltoun*.
Act in favours of the Burgh of *Aberdeen*.
Act for two Fairs and a weekly Mercat in *Strathaven*.
Act in favours of *Patrick Dumbar*.
Act in favours of the Laird of *Edgerſtoun*.
Act for three Fairs to the Town of *Leſly*.
Act for a weekly Mercat and two Fairs in the Town of *Tullith*.

Act

Act for a yearly Fair in *Aldeir.*
Decreet *Pluſcarden*, contra *Mackpherſon* and others.
Act in favours of the Clan-*Gregor.*
Decreet Earl *Roxburgh*, contra Earl *Lothian*, anent the Title of Lord *Ker.*
Decreet Earl of *Airly*, againſt *Mackenzie* and others.
Act for repairing the Bridge of *Sanchar.*
Act for two fairs and a weekly Mercat in *Hamiltoun.*
Act reſcinding the pretended forfeiture of *David Graham* of *Gorthy.*
Act in favours of Doctor *Gleg.*
Record of the loſſes of ſome Noble-men for their loyalty.
Act for ordering the precedency of the Officers of State.
Decreet of forfeiture againſt Sir *Archibald Johnſtoun.*
Act reſcinding the pretended forfeiture of the Lord *Herues.*
Ratification in favours of the Earl of *Roxburgh.*
Ratification in favours of the Univerſity of Sanct-*Andrews.*
Ratification in favours of the Burgh of *Lauder.*
Ratification in favours of Major *Ramſay.*
Ratification in favours of the Laird of *Hayning.*
Ratification in favours of *John Sterling* of *Other-field.*
Ratification in favours of the Earl of *Leiven.*
Ratification in favours of *John Campbel* of *Ardchattan.*
Ratification in favours of the Burgh of *Linlithgow.*
Ratification in favours of the old Town of *Aberdeen.*
Ratification of the mortification of a Hoſpital in the Paroch of *Largo.*
Ratification in favours of the Laird of *Monymusk.*
Proteſtation by the Earl of *Aboyn*, in name of the Marqueſs of *Huntly*, againſt it.
Ratification in favours of the Burgh of *Dumbartoun.*
Proteſtation of the Town of *Glaſgow*, againſt it.
Ratification in favours of the Town of *Glaſgow.*
Proteſtation by the Dukes of *Lennox* and *Hamiltoun*, and the Burghs of *Dumbartoun* & *Renfrew*, againſt it.
Ratification in favours of the Burgh of *Forteroſe*, and Proteſtation by the Town of *Innerneſs* againſt it.
Ratification in favours of the Officers of the Mint.
Proteſtation for the Burgh of *Edinburgh* againſt it.
Act for coyning of Copper-money.
Act for providing a Stock to the Mint houſe.
Decreets of forfeiture againſt *William Dundaſs* of *Magdallans*, and *John Home* of *Kello.*
Act anent the redemption of Infeſtments of Fee granted under reverſion.
Act reſcinding the pretended forfeiture of Sir *Robert Spotſwood.*
Act reſcinding all Decreets of Forfeiture againſt *Archibald* and *Mackgileſpik Mackdonal of Colinſay.*
Act reſcinding the Forfeiture of *Archibald Mackdonal of Sands.*
Proteſtations by the Creditors of the Marqueſs of *Argyl*, that they be not prejudged by any ſentence to be given againſt him.
Decreet and Sentence of Forfeiture againſt the Marqueſs of *Argyl.*
Decreet and Sentence of Forfeiture againſt Mr. *James Guthry.*
Decreet and Sentence of Forfeiture againſt *William Govan.*
Decreet L. *Cochran*, againſt the Executors of the Earl of *Buccleuch.*
Act for two Fairs to the Burgh of *Ruthglen.*
Act for Impoſition for upholding a Bridge on the Water of *Fleet.*
Acts concerning the Town of *Edinburgh* and their Annuity out of the Houſe-mails, and the Impoſition granted to them of two pence upon the pint of Ale, &c.
Decreet Duke of *Hamiltoun* contra *Ardkinlaſs.*
Commiſſion for a Council of Trade.
Decreet in favours of the Earle of *Callander* againſt the Earle of *Leiven.*
Act for changing an High-way at *Abbotſhal.*
Act in favours of *William Purveſs.*
Decreet Sir *William Baily of Lamintoun*, contra Mrs. *Whaley.*
Act for the ordinar allowance of the Clerk Regiſters Subſcription.
Ratification in favours of the Marqueſs of *Montroſe.*
Act ratifying the union of the Paroches of *Logy-montroſe* and *Perth.*
Act anent ſlaying of Fiſh in forbidden time.
Act in favours of the Earl *Caſſils*, Earl *Lothian*, *Brody*, &c.
Commiſſion concerning the Annual-rents due by perſons forfeited by the Uſurpers.

Decreet

Decreet in favours of *Mackintosh* againſt *Lochyel.*
Decreet *Murdoch Mackclean* againſt *John Mackalleſter*, &c.
Proteſtations by the Earl *of Arrol*, Earl *Craufurd* and *Lindſay*, the General of the Mint, and the Provoſt of *Edinburgh* in name of the Royal Burroughs, againſt the power of the Juſtices of Peace.
Act in favours of the Commiſſars *of Edinburgh.*
Act in favours of the Earl *of Middleton* and Sir *John Smith.*
Act in favours of the Earl *of Middletoun* and Sir *John Weymes.*
Act for two Fairs to the Burgh *of Culroſs.*
Act for raiſing a Moneths maintenance, impoſed in the year, one thouſand, ſix hundred, and fifty one, for the Kings uſe, and eighty thouſand merks due by the Burroughs.
Act in favours of the Earl *of Dundee.*
Act in favours of the Hat-makers in *Edinburgh*, and Proteſtation by the Town *of Edinburgh* againſt it.
Decreet *John Makdowgal* contra *Campbel.*
Decreet of Forfeiture againſt *John Swintoun.*
Act reſcinding the pretended Forfeiture of the Earl *of Branfurd.*
Ratification in favours of the Earl *of Panmure.*
Commiſſion for the Fiſhings of *North* and *South-esk.*
Ratification in favours of the Lord *Rollo.*
Ratification in favours of the Earl *of Murray.*
Ratification of the Rights and Liberties of the Burgh *of Dundee.*
Ratification in favours of the Burgh *of Kintor.*
Ratification in favours of the Earl *of Tweddal.*
Ratification in favours of *Alexander Thomſon.*
Ratification in favours of the Earl *of Athol.*
Ratification to Sir *John Gilmor*, Preſident of the Seſſion, of his Rights of the Barony *of Craigmillar.*
Ratification in favours of the Burgh *of Dunkel*, and Proteſtation by the Town *of Perth* againſt it.
Two Ratifications to the Earl *of Craufurd* and *Lindſay.*
Ratification to the Earl *of Lauderdaile* of the Regality *of Thirlſtane* and Lordſhip *of Muſleburgh.*
Ratification to the Earl *of Lauderdaile* of the gift of *Swintouns* Forfeiture.
Ratification in favours of Mr. *James Douglaſs.*
Ratification to Sir *John Gilmor* of his gift of Penſion.
Ratification to Sir *James Hope* of his right to the Mines.
Ratification in favours of the Laird *of Calder.*
Ratification in favours of the Burgh *of Aberdeen.*
Ratification in favours of Mr. *John Herbertſon.*
Ratification in favours of the Earl *of Home.*
Ratification in favours of Sir *Alexander Home.*
Ratification in favours of Mr. *John Cunningham.*
Ratification in favours of Sir *James Cunningham.*
Ratification in favours of *James Innes.*
Ratification in favours of Sir *Robert Murray of Camron.*
Ratification in favours of the Earl *Marſhal.*

SECOND SESSION.

Act for calling in the Biſhops to the Parliament.
Act for ſetling the Orders in the Parliament-houſe.
Act concerning Members of Parliament who do not attend.
Recommendation for the Creditors of the late Marqueſs *of Argyl.*
Commiſſion for tryal of the burning the Gates of *Drumlanrig.*
Modification and Recommendations for ſome ſuffering Miniſters.
Proclamation for the Anniverſary Thankſ giving.
Act concerning the Earl *of Mortoun* and Town *of Kirkwal*
Act for yearly Fairs in *Corſtorphin.*
Act in favours of the Lord *Fraſer*, for his Title of Lord *Fraſer.*
Act betwixt the Lord *Burghly* and Shire *of Fife.*
Act in favours of *Alexander Bruce*, Brother to the Earl *of Kincarden.*
Act anent the Chapter *of Argyl*, and *Glenorchies* Proteſtation againſt it.
Act in favours of the Inhabitants *of Orknay.*

Act for reliefe of thoſe who were overburdened in their Levies, in Anno, 1649. for their concurrence in the Engagement, in Anno, 1648.
Act concerning the Miniſters of *Edinburgh*.
Act reſcinding the pretended Forfeiture againſt *Harthil*.
Act in favours of the Earl of *Perth* and others, for ſome monies due to them by the Shire of *Perth*.
Commiſſion for the Creditors of Forfeited perſons.
Act for keeping the Regiſters of Seſſion in the Parliament-houſe.
Decreet Marqueſs of *Huntly*, contra *Innes Cromarty*, *Robert Foulis*, &c.
Decreet Laird of *Haddo*, contra *Leſly*.
Act of diſſolution of the Earldom of *Orknay*.
Decreet *Macklaud*, contra Mr. *David Drummond*, &c.
Decreet Sir *James Mackdonald*, contra *Mackonochie Inera*.
Act for changing the Way betwixt the ſouth *Ferry* and *Cramond*.
Act in favours of the Town of *Edinburgh*.
Decreet againſt *Archibald Campbel*.
Decreet of Forfeiture againſt *Ardkinlaſs* and *Ormſay*.
Act in favours of the Lord Lyon.
Act for an Arch-deanry in the *Iſles*.
Act in favours of Sir *Robert Fletcher*.
Decreet Mrs. *Whaley*, contra *Lamintoun*.
Act for changing the Mercat-day in *Aberdeen*.
Act in favours of the Town of St. *Andrews*.
Act for yearly Fairs to the Earl of *Kinghorn*, the Lord *Tarbet*, the Lairds of *Glenorchie* and *Haddo*.
Act for two Fairs yearly, and a weekly Mercat in *Dalmeny*.
Act in favours of the Earles of *Queensberry* and *Annandail*.
Decreet in favours of Mr. *Thomas Mackenzie*.
Act for building a Meal-mercat in *Dumfries*.
Act concerning the Declaration.
Act containing exceptions from the Act of Indempnity, for *Fines*.
Act anent the Children and Poſterity of Forfeited Perſons.
Act in favours of the Counteſs of *Branfurd* and Lady *Forreſter*.
Act in favours of the Lord *Mackdonald*.
Act in favours of *Lamont*.
Act freeing Biſhops Vaſſals from the charges of Commiſſioners to the Parliament.
Commiſſion for rectifying the Valuations of *Aberdeen* Shire.
Recommendation in favours of *John Mein*.
Decreet *Dunolich* againſt *Campbel*.
Suſpenſion of publick Debts, with References in favours of the Lord *Burghly* and Lord *Carden*.
Ratification in favours of the Archbiſhop of St. *Andrews*.
Ratification in favours of the Biſhop of *Edinburgh*.
Ratification in favours of the Biſhop of *Galloway*.
Ratification in favours of the Biſhop of *Brichen*.
Ratification in favours of the Biſhop of *Argyl*.
Ratification in favours of the Earl of *Craufurd* and *Lindſay*.
Two Ratifications in favours of the Duke of *Lenox*.
Two Ratifications in favours of the Earl of *Athol*.
Ratification in favours of the Earl of *Tullibarden*.
Ratification to Sir *John Gilmor* of his Lands of *Craiglockhart*.
Ratification to the Laird of *Morphie*.
Ratification to the Laird of *Allardice*.
Ratification to the Laird of *Glenorchie*.
Two Ratifications to the Laird of *Cromarty*.
Ratification to *John Beaton*.
Ratification to the Burgh of *Linlithgow*.
Ratification to Sir *John Strachan*.
Ratification to *Paul Symer*.
Ratification to the Earl of *Annandail*.
Ratification to the Earl of *Newburgh*.
Ratification to Sir *Robert Innes* of *Muretoun*.

THIRD

THIRD SESSION.

Act concerning the constitution and election of the Lords of the Articles.
Warrands for personal Protections against Captions, for some time, to the Lord *Sinclar* and others.
Commission for trying of the contrivance and carrying on of the Act of Billeting.
Decreet and Sentence of Forfeiture against *Archibald Johnstoun*, sometime *of Warristoun*.
Act ratifying the Remission granted to *George Campbel*.
Act for annexing some Kirks to the Deanry of Sanct-*Andrews*.
Record of the production of the Duke *of Monmouth*'s Patent to be Duke of *Buccleuch*.
Act allowing to the Ministers who served before and in the year, one thousand, six hundred and sixty two, the half of the Stipend due for that year.
Ratification in favours of Sir *Peter Wedderburn*.
Act rescinding a former Act past in the last Session of Parliament, anent some Fees acclaimed as due to the Lyons Office.
Act concerning the mater of Billeting, and a Letter directed to His Majesty thereupon.
Act for repairing the High-wayes at the Town *of Prestoun*.
Warrand for three Fairs to the Town *of Newburgh*.
Act concerning the pardoning and restoring the Children of Forfeited persons.
Angus and *Donald Macklauds* declared Fugitives.
An imposition for repairing and upholding a Bridge in *Clidsdail*.
Warrand for changing the Fair-day of the Town *of Clackmannan*.
Reference to His Majesty concerning the Proces against *Assint*.
Act concerning the Imposition laid on English Commodities.
Act past in favours of *Printers*, *Stationers*, *Silk-weavers*, &c.
Act for changing of the name of *Souter*, of late used by some of the name of *Johnstoun*.
Act for an Imposition for repairing the High-way betwixt *Corstorphin* and the *Cow-bridge*.
Warrand for changing the Fair-day of the Town *of Nairn*.
Commission concerning the Annual-rents due by persons Forfeited by the Usurpers.
Act Rescinding, Annulling, and for Razing out of the Records, two Acts past in the second Session of this Parliament, one for excepting persons from publick Trust, and the other for the manner of voting it by Billets.
Act in favours of Doctor *Colvil*,
Act concerning the riding of the Parliament, and the Penalties of such as shall be absent from it.
Decreet betwixt Sir *Arthur Forbess* and the Lord *Cochran*.
Act in favours of Mr. *John Wilkie*.
Act anent the vacand Stipends in *Argyl* and *Isles*.
Act for repairing the Bridge of *Tullibody*.
Act for the disposal of some vacand Stipends.
Act for the Bridge of *Dalkeith*.
Act for upholding the Bridge of *Kippon*, and for two Fairs at the Kirk of *Kippon*.
Act for a yeerly Fair in the Barony of *Caskibon*.
Act for changing the weekly Mercat of *Pettenweym*.
Act in favours of *John Halybrunton*, concerning his Writes.
Act appointing the Fines to be paid in to any person His Majesty shall appoint.
Act in favours of the Captain of *Dunstaffnage* and others.
Two Fairs yearly to be kept in the Barony of *Preston*.
The Fairs granted to the Town of *Whitehorn* changed in the dayes and dyets thereof.
Decreet the Earl of *Roxburgh* contra Sir *John Weymes*.
Act for two Fairs and a weekly Mercat in *Stanhyve*.
Act concerning the making of Cairds.
Recommendation in favours of the Marques of *Montrose*.
Warrand for two Fairs and weekly Mercat to the Laird of *Drum*.
Warrand for paying of some debt due by the Shire of *Dumfries*.
An Act and Ratification of the Contract of Marriage betwixt the Duke and Dutchess of *Buccleuch*, and Warrand for registrating the Contract.
Act concerning the Stipend of the Ministers of the *Cannongate*.
Remit the Duke of *Hamiltoun* contra Lady *Forrester*.
Warrand for two Fairs, and for changing the Mercat-day of the Barony of *Skirling*.
Warrand for a yearly Fair on the Brae of *Athol*.
Act for a Fair and weekly Mercat on the Lands of *Kinudy*.
Act concerning *Broomhals* Writes.

Act for an Impoſition, for repairing and keeping up the Bridges of *Sauchtonhal* and *Clegorn*.
Remit to the Seſſion concerning the eighty thouſand merks claimed from the Burroughs.
Lamonts Proceſs againſt *George Campbel* remitted to the Seſſion.
Recommendation in favours of ſome ſuffering perſons.
Commiſſion for ordering the prices of Offices, Writes and Seals.
Act ſuſpending execution for publick debts until the next Parliament.
Act concerning the *Zetland* Company of White-fiſhing, remitted to the Council.
Act for a yearly Fair in *Paiſly*.
Act for a yearly Fair in the Barony of *Caskibon*.
Remit to the Council anent the Act for Trade.
Warrand for changing a Way near *Leidinton*.
Act for renewing the Juſtices of Peace.
Ratification in favours of Sir *Andrew Aiton*.
Ratification in favours of the Lords of the Seſſion.
Ratification in favours of *David Souter*.
Ratification in favours of Mr. *Alexander Foulis of Ratho*.
Ratification in favours of the Biſhop of *Aberdeen*.
Ratification in favours of Sir *Robert Sinclar of Steinſtoun*.
Ratification in favours of Mr. *Robert Sinclar of Longformacus*.
Ratification in favours of *Thomas Hamiltoun of Bathgate*.
Ratification in favours of *William Preſtoun of Valified*.
Ratification in favours of Mr. *Robert Preſtoun* of that ilk.
Ratification in favours of *Michael Balfour of Pitmedden*.
Ratification in favours of *James Campbel* and his Son.
Ratification in favours of *John Malcolm*.
Ratification of a mortification in *Perth*.
Ratification in favours of *George Home of Kames*.
Ratification in favours of the Earls of *Craufurd* and *Lauderdaile*, the Lord *Parbroth*, the Lairds of *Hatton* and *Ardroſs*, Colonel *Leſly* and *James Scot*, of their Gifts of Mines and Minerals.
Ratification in favours of *James Dickſon*.
Ratification in favours of the Burgh of *Whitehorn*.
Ratification in favours of Sir *John* and Mr. *Alexander Gibſon*.
Ratification in favours of the Earl of *Rothes*.
Ratification in favours of the Earl of *Dumfermeline*.
Ratification in favours of Sir *John Home of Renton*, Lord Juſtice Clerk, and Proteſtation for Sir *Alexander Home* and *Wedderburne* againſt it.
Ratification in favours of *Charles Maitland of Haltoun*.
Ratification in favours of *William Scot of Ardroſs*.
Ratification to the Town of *Edinburgh* of their right to the Citadel.
Ratification in favours of Captain *Lockhart*.

F I N I S.

ACT

The King's MAJESTIE'S

LETTER;

To his PARLIAMENT of SCOTLAND, in the year 1663.

Concerning the Act of Billetting.

CHARLES R.

My Lords and Gentlemen.

AS WEE have juſt cauſe to account it one of the great bleſſings of Almighty God, upon Our Perſon, and Government, that You the Members of Our Parliament of that Our Ancient Kingdom of *Scotland*, Have ſo unanimouſlie Joined in reſcinding all pretended Parliaments, and Acts derogatory to Our Authority, and in making ſo many laudable Laws, whereby the Church and State are now again ſettled, upon their proper, and ſolide foundations; Peace and Order eſtabliſhed; Laws reſtored to their former luſtre, and vigour, Our Authority and the Royall Prerogatives of Our Crown, tranſmitted to Us from ſo many Anceſtours, now fully aſſerted, and clearly vindicated, and the ſeeds of Rebellion rooted out. By all which, Truth, and Righteouſneſs, Peace, and Plenty, are by Gods bleſſing, like to be the laſting fruits of your labours: So Wee have thought it fit at the beginning of this Seſſion of Our Parliament, again to ſignifie unto you, Our juſt eſteem of that eminent Pietie, Loyalty, Prudence, and Affection, to Our Perſon, Crown, and Dignity, which you have by theſe excellent publick Acts, manifeſted to the World. And Therefore Wee doe again return Our moſt hearty thanks, which Wee doe deſire may be recorded to Poſterity. Wee ſhall not enumerat the particulars, for that were to recite all the Laws of general concern enacted in the firſt Seſſion of this preſent Parliament, and ſome in the laſt Seſſion. Only Wee ſhall let you know, that Wee have obſerved all along in the framing of theſe Laws, a moſt obſequious compliance with whatſoever hath been repreſented to you by Our laſt Commiſſioner to be Our intention, or what might be acceptable to Us, and that to a degree, that could not but proceed from an unparalelled affection to Our Perſon, and Service, and an intire deferency to Our Judgment in every point. In ſo much that although ſome few things hath been carried on, and even paſt, and Our conſent given to them, without Our knowledge, and very farre from Our intention, which upon deliberat conſideration, Wee find to be of quite another ſtrain, then theſe other excellent Laws, which Wee ſo deſervedly applaud: Yet Wee cannot attribut your concurrance therein to any thing, but that affection and deferency Wee have mentioned, though in the contrivance, and promoting of them, ſome ſiniſtrous and giddie courſes hath been taken, whereby the Loyal intentions of well meaning Perſons have been led into abſurdities, which if not redreſſed, may prove a pernicious example of dangerous conſequence, as tending to the diſhonour of Our Parliament, and to the ſubverſion of all Juſtice, and good Government of this nature. And indeed the thing Wee mainly inſiſt on, was that ſtrange Act for incapacitating *Twelve* tranſmitted to Us ſealed, (And which Wee have ſo ordered that it ſhall never more come to light,) and the yet ſtranger way of voting it, even by *Billets* A way never before practiſed under Monarchy, nor ever heard of under any Government, as to puniſhments of ſuch a nature as this was, where the Perſons concerned, were ſo farre from being accuſed, heard, or upon evidence condemned, that their names were never made known to your ſelves who ſo ſentenced them. But becauſe the conſent Wee gave to the incapacitating ſome few, ſeems to have been made uſe of as the ground of this, with which Wee are with ſo much reaſon moſt unſatisfied: We ſhall let you know clearly how both Wee and you were abuſed in this particular. Before the laſt Seſſion of Parliament, Wee did by Our Inſtructions to Our laſt Commiſſioner declare Our pleaſure concerning fines to be impoſed by Our Parliament, both as to the crimes for which Wee did allow fining, and as to the proportions: And this moderat way of raiſing fines (which Wee intended to Imploy only for the relief of Our good Subjects who had been great Sufferers) was the only puniſhment Wee gave warrand for. Wee alſo commanded the Act of Pardon, and Oblivion to be tranſmitted to Us, before Our Royall aſſent was given to the ſame, becauſe Wee were deſirous Our ſelf to ſee Our grace extended as large as Wee intended it: In obedience to which command Our Commiſſioner diſpatched to Us laſt Summer, A *Gentleman*, with a letter of Credit; He brought to Us two draughts of an Act of Pardon and Oblivion: The One excepted only as to fines, the other excepted alſo as to incapacity from publick truſt. And this laſt he owned to be the deſire of Our Parliament, (though Wee are ſince ſufficiently informed that incapacitating was never ſo much as heard of in Our Parliament till his return.) He likewiſe preſt in name of Our Parliament, Our conſent to the incapacitating ſome few of the moſt guilty, not

exceeding

exceeding *Twelve*. To the laſt Wee conſented; And meerly upon the acompt of gratifying the deſire of ſo faithfull and ſo Loyall a Parliament. NOW You can beſt Judge whether you gave warrand for ſuch a a deſire as was made in your name, whether Our conſent ſo obtained, was repreſented as a command from Us, and whether it was made uſe of as the riſe and ground of this pernicious way of incapacitating by *Billets*; Which as it hath no colour of warrand from Us, (being farre from Our knowledge, and yet farther from Our intentions) So Wee cannot but declare, that Wee eſteem it contrary to Our Honour, Freedom, and Gravity of Parliament, to all former practiſes, to Common Juſtice, and highly derogatory to Our Authority, and Dignity, as tending to the univerſal diſſatisfaction of all Our good Subjects: For if voting by *Billets*, and puniſhing in that way be allowed, no man is ſecure of his Honour, his Eſtate, his Liberty, nor his Life, Perſons of greateſt merit may be this way deſtroyed; And even Our Officers of State and thoſe of neareſt Relation to Us, may by colour of Our Authority, without Our knowledge, be torn from Us, and expoſed to infamy and ruine. And becauſe Wee are moſt confident, ſuch things were, and are as farre from Your meaning and intentions, as they are from Ours, and that Wee have great reaſon to ſuſpect, that Our Name hath been abuſed, and many well meaning Perſons have been made to believe, that what was done would be acceptable to Us: *Therefore* for vindicating of Our Honour and Yours, Wee doe in the firſt place, earneſtly recommend to you to take ſpeedy and exact trial, of the contrivance, and carrying on of this pretended Act of incapacitating by *Billets*, and report the ſame to Us; That Wee may make known to you Our farther pleaſure, And Wee are ſo confident of your Juſtice, that Wee are certainly perſwaded, you will joine in paſſing a new Act for reſcinding all that relates to *Billeting*, with the clauſes referring to it in the Act of Pardon, and Oblivion, and in the Act of fines, expreſſing in the narrative, ſuch grounds and reaſons as you ſhall find juſt, and neceſſary, raſing all memory of it out of Our records, and diſcharging all voting by *Billets* for the future. There be ſome other Acts in which Wee doubt not you will concur with Our opinion, that they have alſo need to be mended: But as to theſe Wee referre you to Our Commiſſioner, who will aſſure you, that Wee believe your conſent to theſe things, with which Wee are no wayes ſatisfied, did proceed (as Wee have ſaid) from your intire deferency to Our Judgment, and the belief of moſt among you, that they would be acceptable to Us. So expecting the continuance of that Zeal, and Affection to Our ſervice, and the good of that Our Kingdom, of which Wee have had ſo many, and large teſtimonies, Wee bid you very heartly farewell.

Given at Our Court at Whythall, *the fourth day of* June, 1663, *and of Our Reign, the* 15th *year.*

By his Majeſtie's *Command,*

LAUDERDALE.

Commiſſion for trying of the Contrivance, and carrying on of the

ACT OF BILLETTING.

Edinburgh 26. *of June.* 1663.

FOR AS MUCH as it hath pleaſed his Sacred *Majeſty*. by his Letter of the *fourth* of this inſtant, to ſignify His juſt eſteem of that eminent Piety, Loyalty, Prudence, and affection, to His Royal Perſon, Crown, and Dignity, which His Parliament of this Kingdom hath by many excellent Acts manifeſted to the World: And that His *Majeſty* hath obſerved in the framing of theſe Laws, ſuch an obſequious compliance, with whatſoever was by his Commiſſioner repreſented to have been His Royal intention, or acceptable to him: Which could not but proceed from an unparalell'd affection to His Perſon, and Service, and intire deferency to His Judgment in every point: In ſo much as although ſome few things have been in the laſt Seſſion of Parliament, carried on, and even paſt, and the Royall aſſent interponed thereto, without His knowledge, and very farre from his intention: Yet His *Majeſty* declareth, he cannot attribut the concurrance of His Parliament therein to any thing, but to their affection, and deferency aforeſaid, though in contrivance and promoting of them, ſome ſiniſtrous, and giddie courſes have been taken, whereby the Loyall affections of well meaning Perſons, have been led into abſurdities: Which if not redreſſed may prove a pernicious example, and dangerous conſequence, as tending to the diſhonour of the Parliament, and the ſubverſion of all Juſtice, and good Government. OF THIS NATURE was that ſtrange Act for incapacitating TWELVE, Tranſmitted to His *Majeſty* ſealed, (and which His Majeſty hath ſo ordered that it ſhall never more come to light) and the way of voting it by *Billets*, a way never before practiſed under Monarchy, nor ever heard of under any Government, as to puniſhments in ſuch a nature as this, where the Perſons

Persons concerned, were so far from being accused, heard, or upon evidence condemned, that their names were never made known to the Parliament who sentenced them. But because the consent His Majesty gave to the incapacitating some few, seems to have been made use of as the ground to this, with which His Majesty hath by the said Letter made known, how much both His Majesty himself, and the Parliament were abused in that particular, *To wit*, That before the last Session of Parliament, His Majesty did by His Instructions to His Commissioner, declare his pleasure concerning fines to be imposed by the Parliament, both as to the crimes for which His Majesty did allow fining, and as to the proportion; And this moderat way of fining which His Majesty intended to imploy for the relief of His good Subjects, who had been great sufferers, was the only punishment He gave warrand for. *His Majesty* also commanded the Act of Pardon and Oblivion to be transmitted to Him, before His Royal assent was given to the same, because His Majesty was desirous to see His Grace extended as large as he intended it. And that in obedience to this command, His Commissioner dispatched A *Gentleman*, with a letter of Credit, who brought to His Majesty two draughts of an Act of Pardon, and Oblivion; The One excepted only as to fines, and the Other excepted also as to incapacity from publick Trust, and this last he publickly owned to be the desire of the Parliament, (though His Majesty is since sufficiently informed that incapacitating was never so much as heard of till his return) and that he likewise prest in the name of the Parliament His Majestie's consent to the incapacitating of some few of the most guilty, not exceeding *twelve*, to which His Majesty at last consented, meerly upon the accompt of gratifying so Faithful and Loyall a Parliament. By all which the Parliament can best Judge, whether they gave warrand for such a desire, as was made in their name, whether his consent so obtained, was represented as a Command from His Majesty, and whether it was made use of as a rise and ground of this pernicious way of incapacitating by *Billets:* Which as it had no colour of warrand from His Majesty, (being far from His Royal knowledge, and yet farther from His intentions) so that His Majesty cannot but esteem it contrary to His Honour, to the Honour, Freedom, and Gravity of Parliaments, to all former Practises, to Common Justice, and highly derogatory to His Authority, and Dignity, as tending to the Universall dissatisfaction of all His good Subjects, for if voting and punishing by *Billets* be allowed no man is secure of his Honour, his Estate, Liberty, nor Life, Persons of greatest merit may be this way destroyed, and His Majestie's Officers of State, and those of nearest Relation to His Majesty may by colour of His Authority, without His knowledge be torn from Him. And His Majesty being most confident that such things were, and are as far from the meaning and intention of the Parliament, as from His Own; And that His Majesty hath great reason to suspect, that His Royall name hath been abused, and many well meaning persons hath been made believe, that what was done would be acceptable to His Majesty.

THEREFORE, And for vindicating of his Majesties Honour, and the Honour of his Parliament, His Majesty hath earnestly recommended, that a speedy and exact tryall be taken of the contrivance, and carrying on of this pretended Act of Incapacitating by Billets; That the same being reported to his Majesty, he may make his farther pleasure therein known. IN ORDER WHEREUNTO, & in a due compliance with, & obedience to his Majesties pleasure expreſt in the said Letter, THE ESTATES in PARLIAMENT Gives full Power and Commission to *Iohn* Earl of *Lauderdale*, His Majesties Secretary, *John* Earl of *Haddingtoun*, Sir *Iohn Gilmour* President of the Session, Sir *James Lockhart* of *Lee*, Sir *Robert Murray* Provest of *Edinburgh*, And *Alexander Wedderburn* Provest of *Dundee*, or any four of them, to meet and to take speedy and exact trial of the contrivance, and carrying on of that pretended Act of Incapacitating by *Billets*: As also to try whether the Parliament gave Warrand to desire his Majesties consent to the incapacitating of some not exceeding *twelve:* Whether his Majesties consent so obtained, was represented as a Command from his Majesty; And whether it was made use of as the rise and ground of this way of Incapacitating by *Billets*; And if his Majesties name hath been abused by any, to make others believe that such a procedure would be acceptable to his Majesty. And generally with power to them to take trial of the matter of fact, in the affairs above expreſt. And for that effect, that they call before them, and examine upon Oath, all such Persons, as they shall think fit, for giving information to them therein, and that their Depositions be written and subscribed by the Deponents: With power to them also to call for all such Acts, Letters, Instructions, or other Papers, which may give clearness in this matter, and if any Person who shall be called before them, shall refuse, or delay to depon, or to exhibit, and give in such Acts, Letters, Instructions, or other Papers which are in their power, relating to this business, and shall be called for from them; That then the Commissioners aforesaid, make report thereof to his Majestie's Commissioner, the Parliament, or Lords of the Articles, that such farther course may be taken therein as effeirs. And that the saids Commissioners be ready from time to time to make an accompt of their proceeding to his Majestie's Commissioner, and Lords of the Articles, That being from them transmitted to the Parliament, a speedy report thereof may be made to his Majesty, conform to the prescript of his Royal Letter aforesaid.

THE PARLIAMENT'S
ANSWER,

To His Majeſtie's *Gracious* LETTER, *of the* 4th *of June*, 1663.

Moſt Sacred Soveraign,



HE DESIRE Wee have had to return to your Majeſty a ſatisfactory account, of what by your moſt Gracious Letter, of the *fourth* of *June*, was entruſted to Us for trying of the contrivance, and carrying on of that deſign of *Billeting*, (with which Your Majeſty with ſo much reaſon declared Your ſelf moſt unſatsfied) Hath occaſioned that Wee have not ſooner made theſe humble, and thankfull acknowledgments, which the gracious expreſſions in the former part of Your Letter call for; Being deſirous that the account of Our dutifull, and hearty obedience, to theſe Your Majeſties juſt commands, might acompany Our due acknowledgments of your Majeſtie's grace and goodneſs, and that Our return might not divide what your Majeſty by your Royall Letter Joined.

Wee doe with all humble duty, and thankfulneſs acknowledge the great bleſſings which this Your Ancient Kingdom doth now enjoy, under your Royall Authoritie. The Church being reſtored to its right Government; The Kingdom to its former peace; The Laws to their free courſe; And the Subjects to their Juſt Liberties; And all theſe flowing to Us, as the happy fruits and effects of your Majeſtie's bleſſed reſtitution. Wee conceive our ſelves oblidged in a due reſentment thereof, and of the often, and renewed expreſſions of your Majeſtie's Royall care and tenderneſs of this Kingdom, To return the humble offer of our Lives, and Fortunes, and all that is deareſt to Us, for the advancement of your Majeſtie's Honour, Authority, and Greatneſs: And that it ſhall be Our care, that the expreſſions of Our obedience to your Majeſtie's commands, ſhall be ſutable to theſe unparalell'd Acts of grace, and favour your Majeſty hath vouchafed upon Us.

By your Majeſtie's Letter, it appears that by a *Gentleman* imployed laſt year, with a letter of Credit from the Earle of *Middletoun*, it was repreſented to your Majeſty, that it was the deſire of Your Parliament here, That the Act of Indemnity ſhould carry an exception of incapacitating from Publick truſt; And that he earneſtly preſt in name of Your Parliament your Majeſtie's conſent to the incapacitating ſome few of the moſt Guilty, not exceeding *twelve*, And your Majeſty deſiring to know the truth thereof from Us. IN OBEDIENCE to your Majeſtie's commands, this being taken into the conſideration of Your Parliament, and every member of Parliament particularly asked thereupon: *Wee Find* by the unanimous opinions, and votes of the Houſe, That the Parliament gave no warrand to deſire of your Majeſty, that the Act of Indemnity ſhould carry an exception of incapacirating from Publick Truſt, And that the Parliament gave no warrand at all to deſire in their names your Majeſtie's conſent to the incapacitating a few: Yet Wee have ſeen the encloſed double of an inſtruction given by the Earle of *Middletoun* in the contrary to Sir *George Mckenzie* ſigned, and owned by him, in preſence of your Parliament, to be a Juſt double, bearing that it was much deſired by Your Parliament, that ſome ſhould be excepted from Publick Truſt.

Wee alſo find no other ground in the Act of Parliament concerning *Billeting*, neither doe Wee remember of any other ground made uſe of before the Articles, or in the Parliament, for incapacitating; But that it was your Majeſtie's pleaſure to have it ſo; And that this was the riſe of bringing in the Act of *Billeting*, as the moſt expedient way of voting the Act for incapacity.

And in obedience to your Majeſtie's commands, for the farther trial of the manner of contrivance, and carrying on of this deſign of *Billeting*; And your Majeſties ſuſpition that your Name was abuſed therein; Some Commiſſioners authorized by your Majeſties Parliament, having taken the Depoſitions of diverſe Members of Parliament, and two Knights thereupon; And having delivered the principal depoſitions to your Majeſties Commiſioner, to be by his Grace, communicated to your Majeſty; Have offered to Us this particular account thereof under their hand-writings, which Wee (without preſuming at all to give any Judgment thereupon) offer hereby to your Majeſties Royall conſideration. And when your Majeſty ſhall be pleaſed to make Your farther pleaſure therein known to Us, Wee ſhall give ſuch obedience thereto, And to the other particulars in your Royall Letter, as ſhall witneſs to the World, that your Majeſties Royall Judgment is the rule of Our actions; And that your Majeſties commands ſhall alwayes receive that obedience from Us, which ſutes with the Duty of good Subjects, and the relation wee now ſerve your Majeſty in; As your Majeſties moſt Loyal and Faithful Parliament. In whoſe Name, and by whoſe Command, theſe are ſigned by

Your Majeſtie's *moſt Humble*, *moſt Dutiful*, *moſt Obedient*, *Subject*, *and Servant*.

GLENCAIRNE Cancellarius. J.P.D. Par.

Edinburgh
28. July, 1663.

ACT

ACT Reſcinding two ACTS

Paſt in the laſt SESSION of

PARLIAMENT:

The one for excepting of perſons from publick Truſt; and the other for voting the ſame by Billets.

Edinburgh, the ninth of September, 1663.

OUR SOVERAIGN LORD, out of his innate goodneſs and love to this His ancient Kingdom, being deſirous, that now, after ſo long troubles, a perfect peace be ſetled within the ſame, and that all His good Subjects might enjoy the happineſs and bleſſings of His Government in a full and free Act of Indempnity, Pardon and Oblivion; Did, by His Inſtructions to the Earl of *Middleton*, His laſt Commiſſioner, before the ſecond Seſſion of this Parliament, Declare His Royal Pleaſure concerning Fines to be impoſed, both as to the crimes, for which fining was allowed, and as to the proportions; and this moderat way of fining (which His Majeſty intended to imploy for the reliefe of His good Subjects who had been ſufferers) being the only puniſhment His Majeſty gave warrand for; And His Majeſty being careful to ſee His Royal Grace and Favour to His people extended as large as he intended it: He commanded the Act of pardon and Indempnity to be tranſmitted to His own conſideration, before His Royal conſent were given to the ſame. In obedience whereunto, the Earl of *Middleton*, in ſummer, one thouſand, ſix hundred, and ſixty-two, diſpatched Sir *George Mckenzie* of *Tarbet* to His Majeſty, with a Letter of credit: He carried two draughts of an Act of Indempnity, the one excepted only as to fines, the other excepted alſo as to incapacity from publick Truſt; the laſt he publickly owned to be the deſire of the Parliament, and earneſtly preſt, in name of the Parliament, the incapacitating of ſome few of the moſt guilty, not exceeding twelve; to which His Majeſty at laſt conſented, meerly to gratifie that which was repreſented to be the deſire of ſo faithfull and loyal a Parliament: And having deſired to know the truth hereof from His Parliament, they, by their unanimous opinions and votes, upon the twenty two of *July* laſt, Declared, that they gave no warrand to deſire of His Majeſty, that the Act of Indempnity ſhould carry an exception of incapacitating from publick Truſt, nor any warrand at all to deſire in their names, His Majeſties conſent to the incapacitating a few; and that notwithſtanding thereof, they had ſeen the double of an Inſtruction given in the contrary by the Earl of *Middleton* to Sir *George Mckenzie*, ſigned, and in preſence of the Parliament, owned by him to be a juſt double; bearing, that it was much deſired by the Parliament, that ſome ſhould be excepted from publick Truſt: And it was alſo declared by the Parliament, that there was no other ground for incapacitating, but that it was His Majeſties pleaſure to have it ſo, and that this was the riſe of bringing in the Act of billeting, as the moſt expedient way of voting the Act of Incapacitating: by which it appears, both His Majeſty and His Parliament were abuſed, as to that exception from publick Truſt. And Our Soveraign Lord conſidering, that this way of Billeting had no colour of warrand from His Majeſty, and that His Royal conſent was given to it without His knowledge, and very far from His intention; and that in the contrivance and carrying on of the ſame, ſiniſtrous courſes were taken, and deſignes laid, for incapacitating the Earls of *Crafurd* and *Lauderdail*, and Sir *Robert Murray*; perſons who for their eminent loyalty to, and great and long ſufferings for His Majeſty, are deſervedly in His high eſteem, and who, for the time, had the ſpecial approbation of this preſent Parliament for theſe great imployments they had from His Majeſty, as His Officers of State and otherways; and that Therefore He hath, with much reaſon, declared Himſelf moſt unſatisfied therewith: Yet, He doth not attribute the concurrence of His Parliament in Billeting to any thing, but to their unparallel'd affection to His perſon and Service, and their obſequious complyance to every thing was repreſented to them to be His Majeſties intention, or which might be acceptable to His Majeſty. And conſidering the way of Billeting to be moſt pernicious in it ſelf, and of a moſt dangerous conſequence, as tending to the diſhonour of His Majeſty and his Parliament, and to the ſubverſion of all Juſtice and Government; it being a way never before that time practiſed in this Kingdom, or in any other place, under Monarchical Government; being ſo derogatory to his Majeſties Authority and Royal Dignity, and ſo contrary to

the honour, freedom and gravity of Parliaments, to all former practises, and to the rules of common Justice; every man, even these of the greatest merit, being thereby rendered unsecure of their honour, estates, liberties and lives; his Majesties Officers of State and those of nearest relation to him, being exposed to infamy and ruine, to be, by colour of his Authority without His knowledge, torn from Him; and his Royal Prerogative, in the choise of his Chancellors and servants, asserted in this present Parliament, violated and made contemptible, and all his Majesties good Subjects made lyable to censures, without being accused, heard, or legally condemned. In regard of all which, Our Soveraign Lord, with consent, and by special advice of his Estates in Parliament, Doth hereby Rescind and Annull two Acts past in the last Session of this Parliament on the ninth of *September*, one thousand, six hundred, and sixty two; the one Entituled, *Act appointing the manner of voting by Billets*, and the other Entituled, *Act concerning persons to be excepted from publick Trust, together with the Clauses relating thereto in the Act of Indempnity and in the Act of Fines*; and Declares the saids two Acts, with the Clauses aforesaids relating thereto, to have been from the beginning, to be now, and in all time coming, void and null; and Ordains the same to be expunged and razed out of the Records. Likeas accordingly, the saids principal Acts being called for and presented in Parliament, were publickly torn and destroyed; and the Act of Indempnity and Act for Fines, with the Records of the minutes of Parliament being also called for, the Clauses contained therein, relating to the excepting of persons from publick Trust, and the voting of it by Billets, were expunged out of the same: And the Clerk-Register is hereby Ordained to take care, that from henceforth the Act of Indempnity and Act for Fines be extracted and recorded according to these amendments, and that any extracts already given out, be void and null, as to the Clauses thus amended. Likeas Our Soveraign Lord, to evidence His just dislike of so pernicious a course, Doth with advice and consent foresaid, Discharge all voting by Billets for the future.

And forasmuch, as the Parliament, in obedience to His Majesties Commands, did transmit to His Majesty, the originall Depositions of those who were examined, concerning this whole business, to the end he might declare his further pleasure; his Majesty Declares, that having taken all that relates to the business of Billeting into serious consideration, He will, in convenient time, make known His pleasure therein.

FINIS

THE

THE LAWS AND ACTS

Of the SECOND

PARLIAMENT,

Of Our Moſt High and Dread Soveraign,

CHARLES THE SECOND.

By the Grace of GOD, King of *Scotland*, *England*, *France* and *Ireland*, Defender of the Faith.

Begun at *Edinburgh*, the 19. of *October*, 1669.

By a Noble Lord, John *Earl of* Lauderdail, *Viſcount* Maitland, *Lord* Thirleſtane *and* Bolton, *&c. His* MAJESTIES *Commiſſioner for holding the ſame, by vertue of a* Commiſſion *under His* MAJESTIES *Great Seal of this Kingdom*:

With the ſpecial Advice and Conſent of the Eſtates of Parliament.

Extracted from the Records of PARLIAMENT, be Sir *Archibald Primeroſe* of *Cheſter*, Knight and Baronet, Clerk to His MAJESTIES Council, Regiſters and Rolls.

I.

ACT aſſerting His Majeſties Supremacy over all Perſons and in all Cauſes Eccleſiaſtical.

November 16. 1669.

THE Eſtates of Parliament having ſeriouſly conſidered, how neceſſar it is, for the good and Peace of the Church and State, That His Majeſties Power and Authority, in relation to Matters and Perſons Eccleſiaſtical, be more clearly aſſerted by an Act of Parliament; Have therefore thought fit it be Enacted, Aſſerted and Declared, Likeas, His Majeſty, with advice and Conſent of His Eſtates of Parliament, doth hereby Enact, Aſſert and Declare, That His Majeſty hath the Supreme Authority and Supremacy over all Perſons and in all Cauſes Eccleſiaſtical within this His Kingdom; and that by vertue thereof, the Ordering and Diſpoſal of the External Government and Policy of the Church doth properly belong to His Majeſty and His Succeſſors, as an inherent Right to the Crown: And that His Majeſty and His Succeſſors may Settle, Enact and Emit ſuch Conſtitutions, Acts and Orders, concerning the Adminiſtration of the External Government of the Church, and the Perſons imployed in the ſame, and concerning all Eccleſiaſtical Meetings, and Matters to be propoſed and determined therein, as they in their Royal Wiſdom ſhall think fit. Which Acts, Orders

Orders and Conſtitutions, being recorded in the Books of Council and duly publiſhed, are to be obſerved and obeyed by all his Majeſties Subjects, any Law, Act or Cuſtom to the contrary notwithſtanding. Likeas, his Majeſty, with Advice and Conſent foreſaid, doth Reſcind and Annul all Laws, Acts and Clauſes thereof, and all Cuſtoms and Conſtitutions Civil or Eccleſiaſtick, which are contrary to, or inconſiſtent with his Majeſties Supremacy as it is hereby aſſerted, And declares the ſame void and null in all time coming.

II.

ACT concerning the Militia.

November 16. 1669.

FOrſmuch as by divers ancient Laws and Acts of Parliament, made in the Reigns of His Majeſties Royal Anceſtors, it is Statute and Ordained, That Weapon-ſhowings be holden in ilk Shire ſeveral times in the year, at which the Lieges are appointed to be harniſhed and armed, according to their qualities and degrees; as at length is ſpecified in theſe Acts. And it being declared by the fifth Act of the firſt Seſſion of His Majeſties late Parliament, That it is His Majeſties Prerogative-Royal and undoubted Right, to have the power of raiſing in Armes the Subiects of this Kingdom, and of the commanding, ordering and disbanding, or otherwayes diſpoſing thereof as He ſhall think fit. As alſo, the Eſtates of Parliament of this Kingdom, in recogniſance of His Majeſties Royal Prerogative foreſaid, and in a further acknowledgment of their duty, Having, by the twenty fifth Act of the laſt Seſſion of the foreſaid Parliament, made offer to His Majeſty of twenty thouſand Footmen, and two thouſand Horſemen, ſufficiently armed and furniſhed with fourty dayes proviſion, to be raiſed from the ſeveral Shires of the Kingdom, according to the proportions expreſt in that Act, to be in readineſs as they ſhall be called for by His Majeſty, to march to any part of His Dominions of *Scotland*, *England* or *Ireland*, for any ſervice wherein His Majeſties Honour, Authority or Greatneſs may be concerned. And His Majeſty, finding it expedient that the foreſaid number of Foot and Horſe ſhould be modelled and trained in military diſcipline, to the effect they might be in greater readineſs and fitneſs for *His* Majeſties Service when they ſhould be called for, Having, by advice of His Privy Council, conſtituted and ſettled a Militia of horſe and Foot in many Shires of the Kingdom, according to the proportions mentioned in the foreſaid Act; And in ſome other Shires a Militia of horſe only; having thought fit in this exigent, for important reaſons, to change their Foot into a proportion of horſe, ſuteable to the charge of their proportion of Foot: And having nominated and appointed the Collonels and Lieutenant-Collonels of Foot, and Captains of horſe; And the Lords of Privy Council having, by his Majeſties Order and warrand, appointed Commiſſioners of the Militia in the ſeveral Shires, ordered the election of the inferiour Officers, appointed particular dayes of Rendezvous, the way of liſting of Foot-ſouldiers, ordered fit allowances to be given to the Foot and horſemen every day of the Rendezvous; That Collours, Standarts, Drums and Trumpets be provided at the charge of the Shire; And having given ſeveral other Orders and Inſtructions concerning the ordering and diſpoſing of the Militia, The Eſtates of Parliament do in all duty acknowledge his Majeſties ſingular Wiſdom, and tender Care of this his ancient Kingdom, in conſtituting and ſettling the foreſaid Militia. Likeas, his Majeſty, with advice and conſent of his Eſtates of Parliament, doth Ratifie and Approve the conſtitution and model of the Militia, as the ſame is eſtabliſhed by his Majeſty, with advice of his Privy Council: And particularly, their appointing dayes for Rendezvous, ordering fit allowances to be given to the Foot, and horſemen the ſaids dayes of their Rendezvous; And all Acts, Commiſſiones, Orders and Inſtructiones paſt and emitted by the Council concerning the Militia, and their whole proceedings relating thereto. And Statutes and Ordaines, that in all time coming there be allowed to each Footman ſix ſhillings *Scots*, and to each horſeman eighteen ſhillings *Scots*, every day of the Rendezvous, to be payed be the heretors; And that the ſaid ſix ſhillings to be payed to the Footmen, be refounded to the heretors by the men-tennents and ſervants for whom the Footmen are put out, and who are not liſted in the Militia. And alſo Statutes and Ordaines, that the Rendezvous be punctually keeped, that horſe and Foot be duely outreiked and ſufficiently armed, that Fractiones with their proportions of the price of the Collours, Drums, Standarts, and Trumpets be timeouſly payed. Likeas, *His* Majeſty, with advice foreſaid, doth give power and warrand to the Commiſſioners of the Militia in the reſpective Shires, to fine parties for the Souldiers abſence from the Rendezvous, not exceeding ſix pounds *Scots* for the horſeman, and two pounds *Scots* for the Footman abſent ilke day of the Rendezvous; And likewiſe, ſuch as ſhall be deficient in the outreik of horſe or Foot, or in payment of the fractions thereof, or of the proportions of Collours, Drums, Standarts and Trumpets, or of the pay allowed by this preſent Act to the horſemen or Footmen, the men-tennents and ſervants for whom the Footmen are put out, being alwayes lyable to relieve the reſpective heretors of the payment of the fines aforeſaid, in ſo far as concerns the deficiency in outreik of Foot, or payment of the fractions thereof, or abſents of the Footmen from the dayes of Rendezvous. And to the effect, more ready obedience may be given to this preſent Act and Ordinance, his Majeſty, with advice foreſaid (without

derogation

derogation from any power already given by the Inſtructions or Acts of council) doth authorize and impower the Commiſſioners of the Militia in the reſpective Shires, or any three of them (two of the *quorum* not being Officers) after tryal taken that parties have been abſent from the Rendezvous, or deficient in the outreiks and payments foreſaid; to give order and warrand to any one of the Serjants of Foot of the reſpective Companies, or Corporals of Horſe to be named by the ſaids Commiſſioners, to poind and deſtreinzie the readieſt Goods and Geer of theſe abſent or deficient, wherever the ſame may be found, appriſe and make ſale thereof towards the payment of the ſums ſpecified in the ſaid Warrand, and of the charges and expenſes of the poinding and appriſing; theſe charges alwayes not exceeding als much more as the ſums for which the poinding ſhall be uſed. Likeas, His Majeſty, with advice foreſaid, conſtitutes the ſaid perſon, to whom the foreſaid Order ſhall be directed, Sheriff in that part; with power to him, by virtue of that Order, to poind the Goods without neceſſity of carrying the ſame to the Paroch-church or Mercat-croſs of the head Burgh of the Shire to be appriſed; and to do and act in the execution of the ſaid Order, ſicklike as a Meſſenger at Armes may do by the Law, in execution of Letters of poinding and appriſing given under his Majeſties Signet: providing alwayes, that the goods poinded be valued and appriſed by two honeſt ſworn men, whoſe oaths the ſaid Sheriff in that part is authorized to take to that effect; And declares, that it ſhall be leiſome to the party from whom the Goods ſhall be poinded, to redeem the ſame within ſix dayes after the poinding, by payment of the ſums, for which the poinding ſhall be uſed, expenſes of the poinding foreſaid, and twelve ſhillings *Scots* each day during the not redemption. And in caſe the party do not redeem the goods poinded within the ſpace foreſaid, Declares that it ſhall be lawful to the ſaid Sheriff in that part, to retain the goods or ſel the ſame, with deduction of the thrid of the ſume to which they were appriſed, He allwayes being countable for the price thereof to the Commiſſioners of the Militia, who are to ſee the party, from whom the Goods were poinded, ſatisfied of the *ſuperplus* of the price (if any be) of the Goods for which the poinding was uſed, expenſes foreſaids of the poinding, third part of the value to which the Goods were appriſed, with twelve ſhillings *Scots* ilk day during the ſpace that the party had power to redeem, being alwayes deduced; and declares the ſaid Warrand, being ſigned by three of the ſaids Commiſſioners (one of them only being ane Officer) to have the force and ſtrength of an Decreet; and that there is no neceſſity of any Precept or Charge to follow thereon: And that the poinding and appriſing ſo uſed, by vertue of the ſaid Warrand, is and ſhall be als lawful and valid, as if all the ſolemnities requiſit in and uſual poindings were obſerved; whereanent His Majeſty, with advice foreſaid, doth diſpenſe in this caſe of the Militia. And it is declared, that theſe who are not ſufficiently armed or mounted at the Rendezvous ſhall be holden as abſent therefrom, and ſhall be fined and poinded accordingly in maner foreſaid. And for preveening debates that may ariſe the time of muſtering, It is Declared, that Lievtenants and Cornets of Horſe ſhall be reckoned of the number of Horſe-men, appointed to be put out in the reſpective Shires; But prejudice alwayes to any of the ſaids Officers, to claim and ſute payment of Fractions, if they be Leaders of Horſe. As alſo, His Majeſty, with advice foreſaid, doth authorize and impower the Lords of his Privy Council from time to time, to appoint dayes of Rendezvous, and to give ſuch further orders as ſhall be requſite for the full eſtabliſhment of the Militia in every particular thereof; and to call for an acount from the ſeveral Shires of their procedure and diligence in ſettling the ſame. And commands and requires all his Majeſties Subjects of whatſoever degree or quality, to give due and ready obedience to all ſuch orders and directions as they ſhall receive from His Majeſties Privy Council, relating to the Militia, under the pains and certifications contained in any Acts made, or to be made by them thereanent.

III.

ACT for regiſtration of Inſtruments of Reſignation ad remanentiam.

November 16. 1669.

OUR SOVERAIGN LORD, with the advice of the Eſtates of Parliament, Statuts, & Ordains, That all Inſtruments of Reſignation that ſhall be made in the Superiour hands, *ad remanentiam*, (fourty dayes after the publication hereof) be regiſtrate within threeſcore dayes after the date thereof, in the ſame manner and way, and at the ſame rates as Renounciations, Seiſings or Reverſions: To the effect, the Lieges may the better know, that the Inſeſtment which was granted to the Reſigners is thereby void and extinct, and that they may be put *in mala fide* to contract with the Reſigner thereanent, or to compriſe the ſame from him, otherwayes the ſaid Reſignation to be null. It is alwayes hereby Declared, That the Inſtruments of Reſignation of Tenements, Lands and Fiſhings holden in free Burgage, being regiſtrate in the Town Court Books of the Burgh, ſhall not fall within the certification of this preſent Act.

IV.

ACT concerning poinding before the dayes of the Charge expire.

November 16. 1669.

OUR SOVERAIGN LORD, with advice and consent of the Estates of Parliament, Statutes and Ordains, that hereafter it shall not be lawful to poind moveables upon registrate Bonds, or Decreets for personal Debts, while the Parties be first charged, and the dayes of the Charge be expired: With certification, that poinding otherwayes used shall be null, and the poinders shall be punished and proceeded against as spuiliers; But prejudice alwayes of any Decreets recovered at the instance of Heretors against their Tennents in their own Courts; whereupon it shall be lawful to them to use poinding as formerly; And but prejudice to Superiours to use poinding against their Vassals for their Few-duties, as they might lawfully have done of before.

V.

ACT for the security of the Persons of Ministers.

November 30. 1669.

FOrasmuch as the Kings Majesty, considering how just and necessar it was, that the Orthodox Clergy should be protected from the violence of disaffected and disloyal persons; Did therefore, with advice of His Privy Council, by His Royal Proclamations of the fifteenth of March and thirteenth of June, one thousand, six hundred, and sixty seven, command and charge all Heretors, Life-renters and others, having any real Interest or Rent wihin the several Paroches of the Kingdom, to protect, defend and secure the Persons, Families and Goods of their Ministers, not only in the exercise of their Ministerial Function, but in their dwelling Houses, or being elsewhere within the Paroch, from all injuries, affronts and prejudices which they might incur in their Persons or Goods, from the violence and invasion of any disaffected, disloyal or other wicked person: With certification, if the actors of such outrages should not be apprehended and brought to tryal, by the means and diligence of the Parochiners, the Parochioners should be decerned to pay to suffering Ministers for reparation, damnage and interest, such a sum and fine as His Majesties Council should determine; as is more fully expresst in the saids proclamations. And the Estates of Parliament, having taken to their consideration the proceedings of His Majesties Council herein; and finding that the protection of the Orthodox Clergy, and the restraining of the insolency of disaffected, disloyal and wicked persons at this time, did require more nor ordinary means and care from His Majesties Council; Have therefore thought fit, Likeas, His Majesty, with advice and consent of His Estates, doth hereby Ratifie and Approve the two Proclamations aforesaid, and the proceedings of His Majesties Council in prosecution thereof; and authorizeth them still to prosecute the same as occasion shall offer, until His Majesty in his next Parliament give farther Orders therein. And it is Declared, That this Act is and shall be but prejudice of any former Laws and Acts of Parliament made against the invaders of Ministers, and of the pains therein contained; And particularly the twenty seventh Act of the eleventh Parliament of King *James* the sixth, and seventh Act of King *Charles* the first His Parliament in Anno, 1633. Which Acts, His Majesty, with advice foresaid, doth hereby Ratifie and Approve, and Declares the same to stand in full force, strength and effect in time coming.

VI.

ACT *for the ordering of Suspensions of the Benefices and Stipends of the Clergy.*

November 30. 1669.

THe Kings Majesty being careful that the maintainance of the Clergy be duely secured unto them, and that they be not withdrawn by unnecessar Law-sutes, for recovery thereof: Doth therefore, with advice and consent of His Estates of Parliament, Statute and Ordain, that no suspension shall be past in time coming against any Arch-bishop, Bishope, Minister of the Gospel or Universities and Colledges, of any Charges to be given at their instances for payment of the Rents of their Benefices, Stipends or Colledge-rents, where they have special Decreets against the Heretors or possessors due and lyable in payment thereof to them, except upon production of Discharges, or consignation of the sums charged for, if the Rent of the Benefice or Stipend consist in money; or of one hundred merks Scots for ilk Chalder of Victual where the same consists in Victual, and proportionally if the Victual charged for be less then a Chalder, without prejudice to the Lords of Session to modifie a greater or less sum for the Chalder of Victual, as they shall find cause at the discussing of the Suspension. And if any Bill of Suspension of a general Charge shall be presented in time of Session, That the ordinary Lord upon the Bills, before the passing thereof, call for the Chargers at the

at the Bar, that they may inſtruct the ground of the Charge: And in caſe it ſhall be found by the Lords of the Seſſion, at the diſcuſſing of the ſuſpenſion, that either the Charge hath been malitiouſly given or malitiouſly ſuſpended, That the Lords modifie a fifth part of the ſum charged for, of expenſes of Plea to be payed by the malitious Charger or Suſpender.

VII.

ACT for Naturalization of Strangers.

December 8. 1669.

OUR SOVERAIGN LORD, out of his Innate Bounty and Royal Inclination to favour and protect Strangers, and for the encreaſe and promoving of Trade and Manufactories, being graciouſly pleaſed and willing to give encouragement to Strangers to repair to, and dwell and reſide within this Kingdom; Hath therefore thought fit, Likeas, his Majeſty, with advice and conſent of his Eſtates of Parliament, doth hereby Statute, Ordain and Declare, That all ſtrangers, being of the Proteſtant Religion, either ſuch who having Eſtates ſhall think fit to bring the ſame to this Kingdom, to dwell and inhabite within the ſame; or who ſhall come to ſet up new Works and Manufactories therein, and ſhall repair to, and ſettle their abode, dwelling and reſidence within this Kingdom; ſhall be, and are hereby Naturalized as native born Subjects of the Kingdom of Scotland, and are to enjoy his Majeſties Royal Protection, the benefit of the Law, and all other Priviledges which a Native doth enjoy, als freely in all reſpects, as if they themſelves had been born within the ſame; and that they ſhall have liberty and freedom of Trade, and freedom to buy and purchaſe Lands, Heretages, and other Goods moveable and immoveable, and to enjoy the ſame by ſucceſſion, purchaſe or donation, or any other way; and to diſpoſe thereof and tranſmit them to their Heirs and Succeſſors, who are to ſucceed thereunto: And to enjoy all other Liberties, Priviledges and Capacities which do belong to, and are competent, or may and ſhall belong to any native Subject born within this Kingdom. And further his Majeſty doth Declare, that upon applications to be made unto him by theſe Strangers, He will grant unto them the free and publick exerciſe of their Religion in their own Languages, and the liberty of having Churches within this his Kingdom. It is alwayes hereby provided, that no perſon or perſons ſhall have the benefit of this Act, untill firſt by Petition to the Lords of his Majeſties Privy Council, containing an exact deſignation of their names, places of their birth and former reſidence, and that they are of the Proteſtant Religion, it be found by the Council, that they are qualified according to this Act, and ought to have the benefit thereof. And it is hereby Declared, that theſe preſents, with an Extract of the Act of Council, in favours of the ſaids perſons to the effect aforeſaid, ſhall be unto them a ſufficient Naturalization to all intents and purpoſes. Which Extract ſhall be given to them freely, without payment of any money or compoſition; ſave only the Fee of nine pounds *Scots* money to the Clerks of Council and their Servants.

VIII.

ACT concerning the Bullion.

December 8. 1669.

OUR SOVERAIGN LORD conſidering, that by divers former Acts of Parliament made by the Kings Majeſty and His Royal Anceſtors, and ſpecially by the thirty ſeventh Act of the firſt Seſſion of his Majeſties firſt Parliament, it is Statute and Ordained, that all and whatſoever Commodities yearly exported forth of this Kingdom, ſhould be lyable to the payment of Bullion, twelve denier fine, according to the quantities contained in the Alphabet of Bullion thereto adjoyned, and that for the yearly ſupport of a ſtock of Coinage within the Kingdom, and for ſupplying of his Majeſties Mint, being a part of His Prerogative Royal. And his Majeſty and Eſtates of Parliament, being ſtill willing to ſupport and encourage the ſame, and to provide for all neceſſary wayes and remedies for increaſing the ſtock of Coinage within the Kingdom, and eſpecially thoſe that may be of moſt advantage, and may moſt encourage the Manufactories and the natural grouth and native Commodities of the Kingdom; And finding, that the removing of the Bullion from the whole native Commodities and others exported forth of this Kingdom, and that the impoſing of the ſaid Bullion upon the Commodities imported, or ſome conſiderable part thereof may very much contribute thereto; And being reſolved, that His Majeſties Mint ſhould be hereby encouraged, and that no hurt or derogation ſhould thereto occur by this change. Therefore his Majeſty, with advice and conſent of his Eſtates of Parliament, Declares, That all and whatſoever native Commodities of this Kingdom, and others that ſhall be exported forth thereof, contained in the aforeſaid Alphabet of Bullion, after the ſecond day of *February* next to come, one thouſand, ſix hundred, & ſeventy years, ſhall be free, and are hereby diſcharged of the payment of all quantities of Bullion therein contained: & the Cuſtomers and their deputies are hereby prohibited & diſcharged to

ed to take ſurety or pledges, or to uſe any other exaction upon the Merchants therefore, under all higheſt pain. And his Majeſty, with advice foreſaid, Reſcinds and Annulls any Clauſes contained in the foreſaid thirty ſeventh Act of the firſt Seſſion of his Majeſties firſt Parliament, or in any other Acts of Parliament, in ſo far allanerly as the ſame impoſes Bullion upon the native Commodities of this Kingdom, and others to be exported forth thereof, and no further: And in lieu and place thereof, Statutes and Ordains, That the imported Goods and Commodities under-written be lyable in payment of the ſeveral quantities of Bullion aftermentioned, *viz.* Spaniſh, Rheniſh and Brandy-wines of all ſorts, each Tun twenty four ounces, twelve denier fine; French-wines of all ſortes, every Tun twelve ounces; Loaf-ſuggar the hundred weight, ſix ounces; Playing-cards, one ounce the groſs; Paper for Printing and Writing of all ſorts, one ounce every ſix rimms; Gray-paper, every twelve rimms one ounce; Deals, every thouſand five ounces; Single trees, every thouſand five ounces; Double-trees, every thouſand ten ounces; Double-double-trees, and all other greater Fir-timber, every thouſand twenty ounces; Steel, every hundred weight one ounce; Iron and Iron-work beaten of all ſorts, every Tun two ounces; Onions and Aples, every two Barrels one ounce; Mum-beer, every Barrel four ounces; Prunes, every Tun four ounces; Raiſins, Currants and Figs, every Tun ten ounces; Iron-pots of all ſorts, every dozen one ounce; Sop, every Barrel two ounces; Suggar-candy, every hundred weight ten ounces; Copper-kettles, Braſs-pans, and all other made work in Braſs or Copper, Yetline or beaten, every hundred weight four ounces; Mader, every thouſand weight five ounces; Hats of all ſorts, every three dozen two ounces; Window-glaſs of all ſorts, every Cheſt one ounce; Limons and Oranges, each thouſand one ounce; Hopes of all ſorts, every hundred weight one ounce; Spaniſh-leather, Marikin, Tanned-leather, Wild-leather, and all other ſorts of Leather, except *Muſcovia*-leather, every hundred weight one ounce; Gloves of all ſorts, each dozen one ounce; Whale-bone or Baline, ilk two hundred weight one ounce. And Statutes and Ordains, That the Merchant or other importers of the abovewritten Commodities or any of them, make ready payment of the foreſaids quantities of Bullion hereby impoſed, to the Officers of His Majeſties Mint for the time, being of the fineneſs of twelve Deniers, and being baſer to be conſidered by weight and reckoning, and that immediately upon the entry of the ſaids Goods; And in caſe the ſaid importer ſhall fail to pay in the ſaids Bullion at his entry, he ſhall be holden and aſtricted, to make payment of the ſum of twelve Shillings *Scots* for ilk ounce thereof to the Collectors, at the Port or Precinct where he enters the ſaids Goods; And which money ſo payed by him at his entry, ſhall be redeemable from the ſaids Collectors, upon the payment of the foreſaids quantities of Bullion in to the Officers of his Majeſties Mint: Provided alwayes, ſuch payment of Bullion be made within fourty dayes, after the date of the entry of the Goods, and not thereafter. And it is hereby Declared, that it ſhall not be lawful to the ſaid Tackſ-men, Collectors or their Deputies, to permit the ſaids importers to break Bulk, or to give them Tranſire's or other warrant thereanent, till firſt the ſaids Importers report or produce the Mint-maſters receipt of the due quantity of Bullion payed *in ſpecie*, or elſe, that the Tackſ-men, Collectors or their Deputes, receive payment or twelve Shillings *Scots* for ilk ounce of Bullion not delivered in to the Mint; And for ilke ounce of Bullion of twelve Denier fine, ſo payed in to the Mint in *ſpecie* by the Importer, he is to have delivered back to him in his Majeſties Coin three pounds, ten pennies *Scots*, and for ilk ounce of eleven Deniers fine, he is to have delivered back to him fifty five ſhillings, nine pennies *Scots*, and ſo proportionably conform to the fineneſs of the Bullion given in, and that in ſatisfaction of all Dues whatſoever that can be acclaimed by the Officers of the Mint, for his Majeſty or otherwiſe. And whereas, by the former Acts of Parliament made anent Bullion, the general Tackſ-men and collectors of the cuſtoms and their Deputies, were bound and oblieged to take ſicker Surety or Pledges, ſuch as they would be anſwerable for, for the Bullion to be brought in, and which then lay upon export, and that what reſted not delivered to the Mint, the ſaids Tackſ-men, collectors and their Deputies, were to be anſwerable therefore; And that by the conſtant practice of his Majeſties Exchequer, the ſaids Tackſ-men and collectors by their Tacks and commiſſions given to them, and Obligations granted by them, are bound to make count, reckoning and payment of the whole Bullion then ariſing upon the export of this Kingdom. And leſt his Majeſty or his ſaid Mint ſhould ſuſtain any hurt or prejudice, or be at any uncertainty by looſing of theſe bonds, or by this change; Therefore it is hereby Statute and Ordained, that all general Tackſ-men of his Majeſties cuſtoms of this Kingdom, general collectors of the ſame and their Deputies preſent and to come, ſhall be, and are hereby bound and oblieged, *virtute Officii*, and by the acceptation of their Tacke or Office, to make count, reckoning and payment to the Officers of his Maieſties Mint, of all and whatſoever quantities of Bullion that ſhall yearly ariſe upon the imported commodities aforementioned, and which ſhall be delivered by the Merchant *in ſpecie*; and alſo to make payment of all ſuch ſums of money, as ſhall be payed by the Merchant to them, in place of Bullion, at the aforeſaid rate of twelve ſhillings *per ounce*, to the General and Maſter of the Mint for the time being, and that quarterly; begining the firſt quarters payment at the terme of *Whitſonday* next, one thouſand, ſix hundred and ſeventy, and ſo-forth yearly and quarterly thereafter. And whereas the ſaids Tackſ-men, collectors or their Deputies, were formerly holden and aſtricted to give in exact accounts of the whole commodities exported yearly forth of this Kingdom upon Oath, whereby the full charge of the Bullion was yearly known; And to the effect, that the full charge of the Bullion now impoſed upon the foreſaid commodities imported, may be als fully known: It is hereby Statute and Ordained, That the ſaids Tackſ-men, collectors or their Deputies

at all the Ports or Precincts within this Kingdom, ſhall give in yearly in Exchequer the exact account of the ſeveral quantities of the Commodities, whereupon Bullion is hereby impoſed, and that upon Oath, at the feaſt and term of *Martimas* yearly: As alſo to exhibit and produce the ſubſcribed Entries by the Merchants of the foreſaids Goods imported; And for that effect, that Letters of Horning be directed againſt the ſaid general Collectors, Tackſ-men and their Deputies, by the Lords of His Majeſties Exchequer, upon a charge of ſix dayes: And it is hereby Declared, That the ſaids Tackſ-men, Collectors or their Deputies ſhall be holden and aſtricted to deliver to the importer, Certificates of the foreſaid Bullion *in ſpecie*, or of the Money payed therefore at the rate foreſaid, *gratis*. And whereas, by the meaning of this Act, it is left in the option of the importer, either to pay Bullion *in ſpecie* or to pay Money for the ſame, at the rate of twelve Shillings *per ounce*, and that the Money ſo payed is to be delivered to the General and Maſter of the Mint, by the ſaids Tackſ-men, Collectors and their Deputies, and thereby the ſaid General and Maſter are oblieged to import the ſtock of the Bullion themſelves: Therefore it is hereby Statute and Ordained, that the ſaids Officers ſhall be oblieged to Coin the ſaid Bullion ſo imported by them, and to make the ſame paſs His Majeſties Irons, and that the ſaids Officers be controled by their Letters of receipt of the ſaids ſums of money granted by them, to the ſaids Tackſ-men, Collectors and their Deputies. And it is hereby Declared, That the foreſaids whole Commodities imported after the foreſaid day, ſhall be lyable to the ſeveral proportions of Bullion above ſpecified, notwithſtanding of any Act or Acts of Parliament formerly made, or to be made in this preſent Parliament, in favours of any Manufactories, Companies of Fiſhing, or Trade, or other Acts whatſoever, which are hereby Declared not to impede the payment of Bullion impoſed upon the imported Goods foreſaids, in manner abovementioned.

IX.

ACT concerning Preſcriptions.

December 8. 1669.

OUR Soveraign Lord, with advice & conſent of the Eſtates of Parliament, Statutes and Ordains, That all Arreaſtments to be uſed hereafter upon Decreets, regiſtrate Bonds, Diſpoſitions or Contracts, not purſued and inſiſted on within five years after the laying on thereof, ſhall after that time preſcrive; And that all Arreſtments already uſed upon the ground aforeſaid, ſhall preſcrive within five years after the date hereof. And that all Arreſtments, uſed or to be uſed upon dependance of Actions, ſhall likewayes preſcrive within five years after Sentence is obtained in the ſaids Actions, if the ſaids Arreſtments be not purſued or inſiſted on within that time. And likewayes, His Majeſty, with advice foreſaid, Statutes and Ordains, That Miniſters Stipends and Multars not purſued for within five years after the ſame are due. And likewayes Mails and Duties of Tennents, not being purſued within five years after the Tennents ſhall remove from the Lands for which the Mails and Duties are craved, ſhall preſcrive in all time coming: Except the ſaids Miniſters Stipends, Multars, Mails and Duties ſhall be offered to be proven to be due and reſting owing, by the defenders their Oaths; or by a ſpecial Writ under their hands, acknowledging what is reſting owing; And that all Bargains concerning moveables or ſums of money, probable by Witneſſes, ſhall only be probable by Writ or Oath of Party, if the ſame be not purſued for within five years after the making of the Bargain. And further, His Majeſty with advice and conſent foreſaid, Statutes and Ordains, That all actions proceeding upon warnings, Spuilzies, Ejections, arreaſtments, or for miniſters Stipends and others foreſaid, ſhall preſcrive within ten years, except the ſaid actions be wakened every five years: But prejudice alwayes of any of the ſaids actions, which by former acts of Parliament are appointed to preſcrive in a ſhorter time. And alſo Statutes and Ordains, That Holograph miſſive Letters, and Holograph Bonds, and Subſcriptions in Compt-books without Witneſſes, not being purſued for within twenty years, ſhall preſcrive in all time thereafter; Except the purſuer offer to prove, by the defenders Oath, the verity of the ſaids Holograph Bonds and Letters, and Subſcriptions in the Compt-books. It is alwayes hereby Declared, That preſcriptions ſhall not run in any of the Caſes foreſaid, againſt minors during the years of their *Minority*.

X.

ACT *concerning Interruptions.*

December 8. 1669.

OUR SOVERAIGN LORD, with advice and conſent of the Eſtates of parliament, Statutes and Ordains, That all Interruptions, as to the Rights of Lands be citations, ſhall in time hereafter be execut by *Meſſengers* at arms, and againſt the defenders perſonally or at their dwelling place and at the Paroch Churches in the time of Divine Service, or immediatly after; And in caſe the parties be forth of the Kingdom, at the mercatcroſs of *Edinburgh*, and Peer and Shore

of *Leith*, upon threeſcore dayes. And that all Citations that ſhall be made uſe of for Interruptions, whether in real or perſonal Rights, be renewed every ſeven years, otherwayes to preſcrive; Except the parties be Minors: in which caſe this Act is not to be extended againſt them; during the years of their Minority.

XI.

A ACT *concerning the forfeiture of perſons in the late Rebellion.*

December 15. 1669.

OUR SOVERAIGN LORD and his Eſtates of Parliament, having conſidered the Proceſs of Treaſon, purſued and deduced at the inſtance of Sir *John Nisbet* of *Dirleton*, His Majeſties Advocat, By Warrand and Order of his Majeſties Privy Council before the Juſtice, againſt the perſons after-mentioned, for their treaſonable riſing in Armes, and being in, and having acceſſion to, the late Rebellion in the Weſtern-Shires, in the year of our Lord, one thouſand, ſix hundred, and ſixty ſix; with the Libels, Interloquitors, Probations, Depoſitions of Witneſſes, and the verdicts of Inqueſts and dooms of Forfeitures proceeding thereupon: Do find, that the Juſtice and their Aſſeſſors appointed by the Council in the ſaid Proceſs, in finding the ſaid Libels to be relevant, and admitting the ſame to the knowledge of Inqueſts; and the foreſaid Inqueſts in finding the ſame to be verified and proven, and in giving their verdicts and dooms of Forfeiture thereupon reſpective; Have proceeded juſtly and warrantably upon relevant Libels, and clear evidences and probation; And therefore, do Ratifie and Approve their proceedings, Interloquiturs, verdicts and reſpective Dooms and Sentences of Forfeiture given and pronounced by them in the ſaid Proceſs, *viz.* The Sentence and Doom of Forfeiture pronounced againſt Collonel *James Wallace*, *Joſeph Lermonth*, *M'klellan of Barſcobe*, Mr *John Welſh*, Mr *James Smith*, *Patrick Liſtoun* in *Calder*, *William Liſton* his Son, *William Porterfield* of *Quarreltoun*, pronounced upon the fifteenth day of *Auguſt*, in the year of God, one thouſand, ſix hundred, and ſixty ſeven years; And the other Sentence and Doom of forfeiture pronounced againſt *William Muir of Caldwell*, *Caldwell*, eldeſt Sone to the Good-man of *Caldwel*, *Robert Ker of Kerſland*, Mr. *John Cunninghame of Bedland*, *Alexander Porterfield*, brother to *Quareltoun*, *John Maxwel of Monreith* younger, *Mcklellan of Belmagahan*, *Mr Gabriel Semple*, *Mr John Guthery*, Mr *Alexander Pedan*, Mr *William Veitch*, Mr *John Crookſhanks*, *Patrick Mcknaught* in *Cumnock*, upon the ſixteenth day of *Auguſt*, in the ſaid year of God, one thouſand, ſix hundred, and ſixty ſeven years: And Decerns and Ordains the ſaids Proceſs and Dooms and Sentences of Forfeiture foreſaid, to be valid and effectual to all intents and purpoſes, notwithſtanding that the ſaids perſons found guilty and convicted of the crimes foreſaid, did not compear in the ſaids Proceſs; And Declares, that the ſaid Sentence and Dooms of Forfeiture ſhall be of als great force and ſtrength, as if the ſaids perſons had compeared, or the ſame had been pronounced in Parliament. And his Majeſty, with conſent foreſaid, doth Approve His ſaid Advocats ſervice in the ſaid affair. And in reſpect it were againſt reaſon and juſtice, that when any perſon or perſons are accuſed of high Treaſon, for riſing in Armes againſt his Majeſty or His Authority, when they are cited to underly the Law before the Juſtice, if they do not appear, that their abſence and contumacy, which ought to be an aggravation, if any can be, of ſo high and horrid a crime, ſhould be of any advantage to them: Therefore, his Majeſty, with conſent foreſaid, doth Statute and Ordain, that in time coming in all ſuch caſes of treaſonable riſing in Armes, and open and manifeſt Rebellion againſt His Majeſty or his Succeſſors and their Authority, his Majeſties Advocat for the time, may and ought to inſiſt againſt, and proſecut ſuch perſons as he ſhall be ordered by his Majeſty or his Privy Council to purſue: And if they be cited and do not appear, the Juſtice notwithſtanding of their abſence, may and ought to proceeed to conſider, and give their Interloquiturs upon the Libel; and if it be found relevant, to admit the ſame to the knowledge of an Aſſize, and upon the verdict of the Inqueſt, finding the ſame to be proven, the Doom and Sentence of Forfeiture ought to proceed, and be given and pronounced in the ſame manner, as if the perſons accuſed had compeared and were preſent. And his Majeſty, with conſent foreſaid, doth remit to the Juſtice-General, Juſtice-Clerk or Juſtice-Deputes, the Summons and Proceſs of Treaſon, intended at the inſtance of his Majeſties Advocat, againſt certain perſons therein mentioned, for their acceſſion to the ſaid Rebellion, and depending before his Majeſty and the Eſtates: With power to them to proceed, notwithſtanding of the abſence of the ſaids perſons; And if the ſaids Summons be found relevant and proven by the verdict of the Inqueſt, to pronounce the Sentence and Doom of Forfeiture thereupon.

XII.

ACT *concerning the Exciſe and Cuſtomes.*

December 15. 1669.

FOraſmuch as many debates, queſtions and inextricable difficulties do and may ariſe, in levying and inbringing of the Exciſe, impoſed by the fourteenth act of the firſt Seſſion of His Majeſties firſt Parliament, to the great prejudice of His Majeſty, and of the Trade of this Kingdom: Therefore, and for preventing and clearing of the ſame, and to the effect, the ſaid Exciſe may be more orderly and eaſily levyed and collected, His Majeſty with advice and conſent of His Eſtates of Parliament, Statutes and ordains, That notwithſtanding the ſaid Exciſe is due and payable by the Retailers, yet the Importers ſhall be lyable for the ſame in time coming, at the rates contained in the ſaid Act, for Wines of all ſorts, Vinegar and Salt, as they are particularly expreſt therein, and that under the proviſions after-ſpecified: To wit, that what ſhall not be payed by the Retailers, ſhall be compleatly made up by the Importers, within twelve moneths after the importation thereof, for which they are to give ſufficient ſecurity to the Farmers or Collectors of his Majeſties Exciſe, at the entry of the ſaids Wines, which are to be according as they ſhall be loaded at the port from whence they came; And for the ſaid Importers, their greater eaſe and encouragement, his Majeſty, with conſent foreſaid, doth Statute and ordain, That the collectors or Farmers of his Majeſties *E*xciſe in all time coming, ſhall grant abatement to the ſaid Importers of the fourth part of the ſaid Exciſe duties of all Wines and Vinegar imported and entred by them, in conſideration and upon the account of leckage and decayed Wines, and other hazards and inconveniencies. And further, It is Statute and Ordained, for the encouragement and greater eaſe and advantage of trade and Merchants, that the Importers of all other Goods and commodities, except what is excepted from the duties of Exciſe by the foreſaid act of Parliament, ſhall pay the Exciſe thereof, according to the Books of Rates for His Majeſties cuſtoms, and as the ſaid commodities are and ſhall be valued and rated in the ſame; And if any of the ſaids commodities be not contained in the Books of Rates, the Exciſe of the ſame is declared to be five *per cent.* according to the value of the ſaid Goods; And the Exciſe of the ſaid Commodities is to be payed at the entring of the ſame in the Exciſe-office, unleſs the ſaid Exciſe-duty exceed the ſum of one hundred Merks *Scots*; in which caſe, the ſaid Importers ſhall be obliged to give ſufficient ſecurity for payment of the ſaid Exciſe-duty, within ſix Moneths after the entring of the ſame; they making it alwayes evident, that no Merchant ſhall make entry of any Goods, but what properly belongs to himſelf. And for further encouragement of Trade and Traffick, It is Statute and Ordained, that all Goods and Merchandiſe whatſoever imported, and which ſhall be inſtructed to be really exported, within twelve Moneths after the entring thereof, ſhall be free of Exciſe; and in caſe of payment thereof, the ſame ſhall be repayed at the exportation of the ſaid Commodities, the Importers alwayes making faith, that the Commodities exported, are the ſame which were imported and entred; and in caſe bond of ſecurity hath been given for the exciſe of the ſaid Commodities, the ſame ſhall be returned unregiſtrat, or diſcharged if the ſame be regiſtrat. And for the regulating of the Exciſe of Salt, and the better levying and inbringing of the ſame, his Majeſty, with conſent foreſaid, Statutes and Ordains, that the Importers of forraign Salt of all ſorts, at their entring of the ſame at the Exciſe-office, ſhall give ſufficient ſecurity for payment of the Exciſe thereof, conform to the Rates contained in the foreſaid fourteenth Act, and that the Importers ſhall be obliged by the ſaid ſecurity, to pay the ſaids reſpective Exciſe-duties, for ſuch parcels of the ſaid Salt as ſhall be retailed, when and as the ſame ſhall happen to be retailed, and to pay compleatly the whole Exciſe of the ſaid Salt, within twelve Moneths after the entring thereof, and that whether the ſaid Salt hath been expended and imployed upon the cureing of Fiſhes or not; providing alwayes, there be abated and allowed to them, the Exciſe of all Salt that ſhall happen to be caſt away at Sea; And likewiſe, the Exciſe of Salt expended upon Fiſhes, that may happen to be caſt away betwixt one Port and another, before the ſame be entred, to be exported out of this Kingdom, the wrack and quantities of the Salt or Fiſhes loſt thereby, being alwayes ſufficiently inſtructed. And further, It is Ordained that all In-land Salt conſumed within this Kingdom, whether the ſame be expended upon Fiſhes or imployed otherwiſe, ſhall be lyable to the duty of Exciſe, expreſt in the ſaid Act, which ſhall be payed by the firſt buyer thereof, and that before it be carried from the Salt-pans where it is bought; And albeit it be provided in manner foreſaid, that the Exciſe-duties *reſpective* above-mentioned, ſhould be payed for Forraign and In-land Salt, whether the ſame be imployed upon Fiſhes or otherwiſe, and that in reſpect of the great difficulties, to clear and make appear what Salt is imployed upon Fiſhes or not, and that his Majeſty may be prejudged of the Exciſe of Salt, upon groundleſs pretences, that the ſame hath been, or is to be imployed upon Fiſhes; Yet, nevertheleſſe, his Majeſty being moſt willing to give all due encouragement to the Trade of Fiſhing, and that whatſoever Salt ſhall be imployed and expended in order to the ſaid Trade, and upon the cureing of Fiſhes to be exported, ſhall in effect be free of exciſe; and upon, and after mature and exact conſideration of the quantity of Salt, neceſſary and ſufficient for each Laſt of Herring and White-

White-fiſh of any kind, and of each Laſt of Salmond, and what the Exciſe of the ſame Salt *reſpective* will amount to, finding that the Exciſe of the Salt of the Laſt of Herring and White-fiſh, will amount to the ſum of ten pounds, four ſhillings *Scots*, and that the Exciſe of the Salt of each Laſt of Salmond, will amount to the ſum of twelve pounds, money foreſaid. *His* Majeſty, with conſent foreſaid, Statutes and Ordains, that there ſhall be no Cuſtom exacted at the exportation of the ſaids Herring and White-fiſh, and that whatever the foreſaid ten pounds, four ſhillings of Exciſe, ſhall exceed the Cuſtom payable for the ſaids Herring and White-fiſh, at the exportation thereof, ſhall be duly and timeouſly payed to the Merchant-exporters, without any delay, reward or abatement for each Laſt of Herring and White-fiſh of any kind whatſoever that ſhall be exported out of this Kingdom: And that the foreſaid ſum of twelve pounds, for the Exciſe of the Salt of each Laſt of Salmond, at the entry and exportation ſhall be payed to the Heretors, Liſe-renters and others, from whom the Merchant-exporters bought theſe Salmond, they alwayes producing Certificates from the reſpective Heretors and others, making up the juſt quantities contained in their Entries; upon which Certificate, the foreſaid ſum of twelve pounds is to be payed, to the Heretors and others from whom theſe Salmond were bought, or to any having their warrand to receive the ſame; which ſums *reſpective* above-written, for the Herring, White-fiſh and Salmond, are to be payed in manner above-ſpecified, by the Collectors at the reſpective Ports where the ſame ſhall be entered, for whom, the Farmers and principal Collectors of the Exciſe are to be anſwerable and careful that the ſame ſhall be punctually payed; and in caſe of not punctual payment, they ſhall be lyable for the parties damage; providing alwayes, that the ſaid Herring, White-fiſhes and Salmond, be duly entered in the Exciſe-office, and the exportation thereof ſufficiently inſtructed to the Collectors, ſo as they may certifie the ſame under their hands. Likeas, His Majeſty, with advice foreſaid, doth inhibite and diſcharge the Collectors or Farmers of Exciſe upon any pretext, to give any eaſe or abatement of the fourty ſhillings *Scots* impoſed by the foreſaid fourteenth Act, upon ilk Bool of forraign Bay-ſalt, *Linlithgow*-meaſure, imported into this Kingdom: Certifying them, if they contraveen, the ſaids Collectors ſhall ſuffer deprivation of their Office, and the ſaids Farmers ſhall looſe the benefit of their Tack of the Exciſe, and ſhall be further lyable to the payment of ſuch fines and penalties, as the Lords of Exchequer ſhall think fit to inflict. And for the better inbringing of the Exciſe of the ſaid In-land Salt, it is Ordained, that all Owners of Salt-pans and their Greeves, ſhall be oblieged to exhibite and produce to the Collectors or Farmers of Exciſe or their Deputies, when they ſhall be required, their Compt-book of all Salt ſold, to be peruſed by them, and returned within the ſpace of twenty four hours, to the effect, it may be known what Salt is conſumed, and that the Exciſe of the ſame is duly payed, whereupon they are to make faith, if they be required, and that they have ſold nor diſpoſed upon no more nor is contained in the ſaid Books; And ſicklike, the Salters of every Salt-pan ſhall be oblieged to give an account to the Collectors of the ſaid Exciſe of the Salt appertaining to them any manner of way, and what they have ſold of the ſame, and to inſtruct, that the ſame hath been duly entered in the Exciſe-office, and that the Exciſe-duty of the ſame hath been payed, whereupon, and that they have ſold no more but what hath been duly entered, they are ordained to make faith if they be required; It is alwayes provided, that where Exciſe-offices are in the Town or place where the Salt is made, the Salt-maſters, their Greeves or Salters, ſhall be holden to repair to the Exciſe-office, to the effect foreſaid, if they be required; but if there be no Exciſe-office in theſe places, the Collectors or Farmers of Exciſe or their Deputies are appointed to conveen them at the reſpective Salt-Girnals, or Salt-pans where the Salt is made, and the ſaids perſons ſhall not be oblieged to go any further. And in like manner, His Majeſty conſidering, that divers queſtions and debates may ariſe, anent the interpretation of ſeveral Acts and Priviledges made and granted in favours of Manufactories, for immunity and exemption from the Exciſe or Cuſtom of certain Goods, which are the Materials of the ſaids Manufactories; Doth hereby, with conſent foreſaid, Statute, Ordain and Declare, That no Manufactory ſhall have the benefit thereof, excepting ſuch as ſhall be, or hath been lawfully erected ſince the firſt day of January, one thouſand, ſix hundred, ſixty one years, and ſhall be found by the Lords of His Majeſties Exchequer to have been, or to be erected conform to the Acts of Parliament, and to have the qualifications required by the ſame. And further, His Majeſty underſtanding, that after ſo large expreſſions of His Majeſties Royal care and tenderneſs for the advancement of Trade and eaſe of Merchants, any ſhall be ſo unfaithful as to preſume to conceal and abſtract the Goods imported by them, thereby evading the payment of the Cuſtom and Exciſe due and payable to His Majeſty; not only His Majeſty will be prejudged of His Cuſtom and Exciſe, but alſo the Trade of Merchandiſe will be much endamaged by the ſaids Merchants their underſelling others, who do honeſtly make true entries of their Goods, and pay the duties of Cuſtom and Exciſe. Therefore, for preventing of the ſaid prejudice and abuſe, His Majeſty, with conſent foreſaid, doth give power and warrand to the Collectors of Cuſtom and Exciſe, or to their Deputies, to call and purſue ſuch perſons who ſhall wilfully and wickedly conceal and abſtract their Goods, or any part thereof, and not duly enter the ſame, or who ſhall be acceſſory, or any wayes aiding and aſſiſting to the concealing or abſtracting thereof; and that before the Lords of His Majeſties Exchequer, if the ſaids perſons dwell and reſide within twelve miles of the place where the ſaids Lords ſhall happen to ſit for the time, or in their option, before any other competent Judge: And in caſe the ſaids perſons live at farther diſtance, it ſhall be lawful to the ſaids Collectors or Farmers, or their Deputies, to purſue them before the Sheriffs, Stewarts of Stewartries, or

Bailiffs

Bailiffs of Regalities, Magiſtrats of Burghs, or any other competent Judges, who are hereby required to take due and ſpeedy tryal of the premiſſes, and to admit probation thereof by writ, witneſs, Oath of party or otherwiſe according to Law, any Act or Acts of Parliament, or Clauſes therein contained to the contrary thereof notwithſtanding. And to the end, that his Majeſties Lieges and Merchants, upon the occaſion and pretence foreſaid, be not unjuſtly moleſted and troubled, It is Ordained, that the ſaids Proceſs and Purſutes ſhall be intended within three Moneths after the fraudful abſtracting and imbezleing foreſaid; and that theſe at whoſe inſtance they ſhall be purſued, ſhall be obliged to give their Oaths *de calumnia*, if thereto required, that the ſaids purſutes are not intended of malice, but upon credible information, and that they have juſt reaſon to purſue, as they conceive. And in caſe any Merchant, Skipper, Mate or Marriner, or other perſon ſhall be found guilty of, or acceſſory to, the ſaid imbezleing, in concealing or abſtracting any Goods which ought and ſhould have been entered; It is Statute and Ordained, that the ſaid delinquents ſhall be impriſoned for the ſpace of twenty four hours, and until they make payment of the full price and value of the Goods which ſhall be found to have been abſtracted by them, and ſhall be further fined by the Lords of his Majeſties Exchequer, as they ſhall ſee cauſe. And in caſe any Goods ſhall be found and ſeiſed, upon acount that they were concealed and not duly entered, they ſhall not only be detained and confiſcat without redemption, but alſo the Owners of the ſaids Goods, and all others who ſhall be found to be acceſſory or aiding to the concealing or abſtracting of the ſame, ſhall be impriſoned for the ſpace ef twenty four hours, and ſuch fines and other puniſhment ſhall be impoſed and inflicted upon them, as the Lords of Exchequer ſhall appoint. And that the Collectors of his Majeſties Cuſtoms and Exciſe and their Deputies, at the making their accounts of their intromiſſion with the Cuſtom and Exciſe duties, ſhall be holden and obliged to give their Oaths upon the truth of theſe accounts to be given in by them. And it is Provided and Declared by His Majeſty, with conſent foreſaid, that the foreſaid Act of his Majeſties firſt Parliament, whereby the Exciſe is impoſed, ſhall ſtand, and is and ſhall be of full force; except in ſo far as the ſame is altered, innovat, qualified and taken away in manner above-mentioned.

XIII.

ACT for annexation of Orknay *and* Zetland *to the* Crown.

December 17. 1669.

FOraſmuch as the Iſles of *Orknay* and *Zetland* are a great and ſo conſiderable a part of this His Majeſties ancient Kingdom, that for divers ages they were the occaſion of much trouble and expence of blood and money, for maintaining thereof againſt the invaſion of Forraigners, and recovering the ſame out of their hands by Armes and Treaties; And the ſaids Iſles being of a great and large extent of bounds, and ſo remote and at ſuch a diſtance from the ordinary ſeat of Juſtice and Judicatories, that the Inhabitants within the ſame are not able to travel in the winter ſeaſon; and at other times cannot, without great trouble and expences, repair to the ſaid Judicatories to complean when they are oppreſſed and grieved. It is not only fit in order to His Majeſties Intereſt, but will be the great advantage of His Majeſties Subjects dwelling there, that without interpoſing any other Lord or Superior betwixt his Majeſty and them, they ſhould have ane immediat dependance upon his Majeſty and His Officers, being their great ſecurity againſt Forraign attempts and oppreſſion at home. And ſeeing it is moſt expedient and neceſſar, that a publick Patrimony and certain Revenue in Lands, Lordſhips and others, ſhould be ſetled upon, and annexed unto his Majeſties Crown, for ſupporting of His Royal Eſtate and Government, and the great and neceſſar charges of the ſame, which if not defrayed out of His Majeſties own Property and Revenue, would unavoidably ly, and be a heavy burden upon his Majeſties Lieges: And to that purpoſe, divers Acts of Annexation have been made from time to time, and in ſpecial the Earldom of *Orknay* and Lordſhip of *Zetland*, with the pertinents of the ſame, were annexed to the Crown in the years, one thouſand, five hundred, and fourty, and one thouſand, ſix hundred, and twelve, *reſpective*. And yet importunity prevailing with his Majeſty and his Royal Father, their goodneſs and inclination to gratifie their Subjects, they have been induced to give away and part with ſo great a Jewel of their Crown, and to diſpone and grant Rights of the ſaid Earldom and Lordſhip; which being found to be to the great prejudice of His Majeſty, His Crown and Subjects, and contrary to the Laws and Acts of Parliament of this Kingdom, by a Decreet of the Lords of Seſſion, obtained upon the twenty fifth day of *February* laſt by-paſt, at the inſtance of Sir *John Nisbet* of *Dirletoun* Knight, His Majeſties Advocat, for His Majeſties intereſt, againſt *William* Earl of *Mortoun*, *Charles* Lord of *Dalkeith* his Son, *George* Viſcount of *Grandiſtoun*, and certain other perſons therein mentioned; the ſaids Lords by their Decreet foreſaid, have reduced the Contracts, Diſpoſitions, Infeftments, Acts of diſſolution, and other Rights therein mentioned, made and granted by His Majeſty and His Royal Father, to, and in favours of the deceaſed *William* Earl of *Mortoun*, Grand-father to *William* now Earl of *Mortoun*, and the ſaid *George* Viſcount of *Grandiſtoun*, of the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, with the Rights alſo therein mentioned depending thereupon: and the ſaid Lords have found and declared, that His Majeſty hath good and undoubted Right to the ſaid Earldom and Lordſhip, as His annexed Property, for the

reaſons therein contained; as the ſaid Decreet at length proports. Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, doth Ratifie and Confirm the ſaid Decreet, and Ordains the ſame to be of full force, ſtrength and effect in all time coming; holding and willing this their Ratification to be als ſufficient and effectual, as if the ſaid Decreet and whole tenor of the ſame were inſert herein. And his Majeſty, following the laudable example and practice of his Royal Predeceſſors, doth, with conſent foreſaid, Ratifie the ſaid former Annexation of the ſame to the Crown; and without prejudice thereof, doth of new again unite, annex and incorporat to His Crown of this His ancient Kingdom, to remain inſeparably with the ſame in all time coming, the ſaid Earldom of *Orknay* and Lordſhip of *Zetland*, withall and ſundry Iſles, Holms, Udal-lands and other Lands whatſoever, of what name and by what deſignation ſoever the ſame are or may be known, lying within the Sheriffdom of *Orknay* and pertaining to the ſaid Earldom and Lordſhip, and belonging to his Majeſty in manner foreſaid, in Property or Superiority, or by any other Right or Title, together with all Caſtels, Towers, Fortalices, Milns, Multars, Fiſhings, Annual-rents, Reverſions, Patronages of Kirks, and Teinds, Parſonage and Vicarage pertaining to his Majeſty within the bounds foreſaid; And all and whatſoever Mines of Gold, Silver, Copper and other Minerals within the foreſaid bounds, with the heretable Office of Juſticiary, Sheriffſhip and Foudrie and Admiralty within the foreſaid Iſles, and belonging to the ſaid Earldom and Lordſhip, with all other Parts, Pendickles and Pertinents, Caſualities, Priviledges, Juriſdictions, Offices and others whatſoever pertaining to the ſame; all which, his Majeſty, with conſent foreſaid, doth unite and annex to His Crown, Declaring the generality foreſaid to be ſufficient to the intent & effect foreſaid, as if each Part, Parcel, Pertinent, Office, Patronage or Priviledge belonging to the ſaid Earldom and Lordſhip were herein expreſt. And it is Statute and Declared, That the ſaid Earldom and Lordſhip, Lands, Teinds, and others above-mentioned, annexed to the Crown in manner foreſaid, ſhall remain therewith in all time coming; and that the ſame or any part thereof ſhall not, nor may be given away in Fee and Heretage, nor in Frank-tenement, Life-rent, Penſion or Tack, except for the full duty which may be gotten from, and payed by the Tennents, nor by any other manner of Alienation, Right or Diſpoſition whatſoever, to any perſon or perſons of whatſoever eſtate, degree or quality they be, without Advice, Decreet and Deliberation of the whole Parliament; and for great, weighty and reaſonable cauſes concerning the good, wellfare and publick Intereſt of the whole Kingdom, firſt to be propoſed and to be adviſed, and maturely pondered and conſidered by the Eſtates, *re integra*, before any previous Grant, Right or Deed be given, made or done by his Majeſty or his Succeſſors, concerning the diſpoſition of the ſaid Earldom and Lordſhip or any part thereof, which may any wayes predetermine them or the Eſtates of Parliament, and prejudge the freedom of their Deliberation and Conſent. And if at any time hereafter it ſhall be thought fit to diſpone or grant any Right of any part of the ſaid Earldom and Lordſhip, It is Declared, that the general narrative of good ſervices, weighty cauſes and conſiderations ſhall not be ſufficient; but the particular cauſes and conſiderations, whereupon His Majeſty and His Succeſſors may be induced to grant, and the Eſtates to conſent to ſuch Rights, are to be expreſt; that it may appear, that the ſame is not granted through importunity, or upon private ſuggeſtions or pretences, but for true, juſt and reaſonable cauſes and conſiderations of publick concernment. And farther, It is Declared, that if any general Act of Diſſolution of His Majeſties Property ſhall be made at any time hereafter; the ſaid Earldom and Lordſhip, and others above-mentioned and annexed, ſhall not be underſtood to fall or be comprehended under the ſame; And if the ſaid Earledom and Lordſhip, or any part thereof, ſhall be annallied or diſponed, or any Right of the ſame ſhall be granted otherwaies then is appointed and ordained in manner abovementioned; His Majeſtie, with conſent foreſaid, doth ſtatute and Declare, That all Diſpoſitions, Inſeftments and other Rights of the ſaid Earledom and Lordſhip, or any part thereof which ſhall be granted contrary to this preſent Act, with all Acts of Diſſolution and Ratification and other Acts of Parliament concerning the ſame, ſhall be from the beginning and in all time comming void and null, and of no effect: And notwithſtanding thereof, that it ſhall be lawful to our Soveraign Lord and His Succeſſors for the time, to take back and receive at their pleaſure for their own uſe, without any Proceſs of Law, the Lands and others above-annexed, or any part thereof which ſhall be annallied or diſponed; and theſe in whoſe favours any ſuch Rights and Alienations ſhall be made, ſhall be countable for, and liable to refound and pay all profits, intromiſſion or benefit taken, upliſted or enjoyed by them in the mean time: And it is Declared, that all other Clauſes, Articles and Proviſions contained in any former Act or Acts of Annexation to the advantage of His Majeſty and His Crown, are and ſhall be holden as repeated and inſert herein. And farther, His Majeſty, with advice and conſent of the Eſtates foreſaid, hath ſuppreſſed the ſaid Office of Sheriffſhip, and hath erected and hereby erects a Stewartry within the bounds foreſaid of the ſaid Earldom and Lordſhip, and Iſles of *Orknay* and *Zetland*, to be called in all time comming, *The Stewartry of* Orknay *and* Zetland; Ordaining the Tennants, Poſſeſſors and Inhabitants within the bounds foreſaid, and other perſons who were formerly anſwerable and lyable to the jurisdiction of Sheriffſhip, and Foudrie above-mentioned, to be anſwerable to His Majeſties Stewart of the ſaid Stewartry, with all Priviledges competent to any Stewartry of His Majeſties Property within this Realm. Likeas, it is Declared and Statute, that the foreſaid Office of Stewartry ſhall not be given heretably to any perſon or perſons and their heirs, without advice and conſent of Parliament in manner above-mentioned; and all Rights of the ſame which ſhall be granted otherwayes at any time hereafter, ſhall be from the beginning and in all time comming null and void.

It

It is alwayes Declared, that this Act and Annexation foresaid shall not prejudge the Bishop of *Orknay* of His Patrimony and Priviledges belonging to him, or of any part thereof; and that he and his Successors shall be in the same case as they were before the making hereof. And likewayes it is Declared, that the Annexation foresaid and the suppressing of the said Office of Sheriff, and the erecting of the said Stewartry shall be without prejudice to His Majesties Vassals within the said Isles, of their Liberty and Priviledge to have and send Commissioners to Parliament, to represent them in the same manner as they did or might have done formerly.

XIV.

ACT concerning the exportation of Corns.

December 17. 1669.

OUR SOVERAIGN LORD considering, that by the eleventh Act of the third Session of His Majesties late Parliament, liberty is granted to export Corns of all sorts, when they are under the prices following, *viz.* Ilk Boll of Wheat under twelve pounds the Boll, Beer and Barley under eight pounds the Boll, Oats and Pease under eight merks the Boll. And seeing, by reason of several Duties formerly imposed upon Corns, the exportation thereof hath been hitherto obstructed; And His Majesty being desirous for the good of this His ancient Kingdom, to give all due encouragement to the export of Corns, and to remove every thing which may impede the same: Hath therefore thought fit, Like-as, His Majesty, with advice and consent of His Estates of Parliament, doth Statute and Declare, That all Corns which shall be exported in time coming by His Majesties Subjects forth of this Kingdom, shall be free, and are hereby discharged of the payment of Custom, Bullion, and all other Duties whatsoever, except one Merk Scots allanerly for ilk Chalder. And lest any considerable prejudice should thereby ensue to His Majesties Customs, it is Statute and Ordained, that the Duties after-mentioned are and shall be imposed upon the Commodities following, *viz.* Ten shillings Scots upon ilk Barrel of Tar, and twenty shillings Scots upon ilk Tun of Iron imported into this Kingdom, and that over and above all former Impositions put thereon; and the Customers, Collectors and their Deputies are hereby appointed and impowered to uplift the same accordingly. And for preventing any debates that may arise anent the respective prices of the Victual, when the same are under or above the rates expresst in the said Act; His Majesty, with advice foresaid, doth recommend to, and authorizeth the Lords of Privy Council to determine the same; And Declares, that it shall be lawful to His Majesties Subjects to export Corns of all sorts, unless by a Proclamation or publick Intimation from the saids Lords of Council, they be prohibited and discharged to do the same. And Ordains this Act to begin and take effect upon the second day of February next to come.

XV.

ACT for regulating the prices of Ale and Drinking-beer, and Malt-men.

December 23. 1669.

OUR Soveraign Lord considering that it is most agreable to reason and equity, and of universal concernment to all His Majesties Subjects, and specially to those of the meaner sort, that a due proportion be observed betwixt the price of the Boll of Beer, and the Pint and other measures of Ale and Drinking-Beer vented and sold within this Kingdom, that thereby the liberty taken by Brewars and Vintners, to exact exorbitant prices for Ale and Drinking-Beer at their pleasure, may be restrained. Therefore, His Majesty, with advice and consent of His Estates of Parliament, doth recommend to, and authorize the Lords of His Majesties Privy Council from time to time, after consideration had of the ordinary rates of Rough-Beer and Barley for the time, to regulate and set down the prices of all Ale and Drinking-Beer, vented and sold in the several Shires and Burghs of the Kingdom, as they shall think just and reasonable; And likewayes to set down a Table of proportion betwixt the weight and price of all Bread made of Wheat, and the price of the Boll of Wheat, in like manner as betwixt the price of the Ale and the Boll of Beer: With power to the saids Lords of Council to make and emit such Acts, Orders and Directions, in relation to the prices of Ale and Drinking-Beer, and weight and prices of Wheat-bread, and to inflict such censures, pains and penalties upon the contraveeners of these Acts and Orders as they shall think fit; and to do all other things requisite for execution of the same. And in case, after settling of the saids prices by the Lords of Council, any Brewar shall cease from, and give over their Brewing or venting of Ale or Beer, His Majesty, with advice foresaid, Declares, that they shall not be permitted or allowed to brew or vent any Ale or Beer for the space of one year thereafter, and shall be further lyable to such pains and punishments, as the Lords of Council shall think fit. And further, His Majesty taking to consideration, that by the twenty ninth Act of the first Parliament of King *James* the sixth, Maltmen are declared to be no Craft, & discharged to have a Deacon; which Act of Parliament, His Majesty, with advice foresaid Ratifies and Approves, and Ordains the same to stand in full force and effect in all time coming.

and that notwithstanding of the said Act, and expresly contrair thereto, the Provost and Council of *Edinburgh* have, by their Act dated the eleventh of *March*, one thousand, six hundred, and fourty six, ranked Malt-men amongst one of their Trades and Callings, discharged any to be admitted thereto within their Barrony of *Leith*, but by their Licence, with consent of the Calling; and have constitute a Box-master amongst them, and granted liberty to them to meet and keep correspondence, providing the Water-Bailiff be present with them: Therefore, his Majesty and Estates of Parliament not only Declares the said pretended Act of the Council of *Edinburgh* to have been null and void from the beginning, and Ordains the same to be razed out of their Registers; but discharges the said Town, or any other Burgh within the Kingdom, ever to presume to do the like again; And Ordains the said Box to be broken, and the Office of Deacon, Visitor, Box-master, or any other pretending to the like power, and the pretended Calling or Incorporation and Society of Brewars or Malt-men, to cease at *Lieth*, and in all other Burghs, Towns and places in the Kingdom; With certification, that if they shall be found hereafter to meet and keep correspondence amongst themselves, upon whatsoever pretence, either at *Leith*, *Edinburgh*, or in any other Burgh, Town or Place, ilk person so meeting shall be lyable in the penalty of five hundred Merks *toties quoties*, whereof the one half to be payed to the informer, he proving the same before the Council; and this by and attour such personal punishment, as the Lords of Privy Council shall think fit to inflict.

XVI.

ACT for repairing High-wayes and Bridges.

December 23. 1669.

OUR SOVERAIGN LORD considering how necessar it is for the good of the people, that High-wayes be made and maintained for ready and easie Passage, Travel and Traffick through the Kingdom; and that the care thereof which hath been laid upon the Justices of Peace, hath yet for the most part proven ineffectual, in regaird the saids Justices have not had special Orders and Warrands for that effect. For remeid whereof, his Majesty, with advice and consent of the Estates of Parliament, Doth Appoint and Ordain the Sheriff of the Shire, and one of his Deputes, being alwayes an Heretor therein, and the Justices of Peace in each Shire, to conveen at the head Burgh of the Shire upon the first Tuesday of *May* yearly, for ordering of High-wayes, Bridges and Ferries; with power to them, or major part of them that shall happen to conveen, to set down a particular List of the High-wayes, Bridges and Ferries within their bounds, and to divide the Paroches of the saids bounds as they lye most to the several High-wayes to be repaired, and as they may have the most equal burden, and to appoint such of their number or others Overseers of such parts and portions of the saids High-wayes, as are most convenient and neareſt to their ordinary residence, and to nominate such of their number as they see fit, to survey and give an account of the High-wayes, Bridges and Ferries unto the rest; with power to them to appoint Meetings from time to time, till the said Survey, List and Division of the saids High-wayes be closed: which persons, or any one of them to whom the particular portions of the saids Highwayes shall be committed, are hereby authorized and strictly required, to call and conveen all Tennants and Cottars, and their Servants, within the bounds appointed for their parts of the High-wayes, by publick intimation at the Paroch-Kirks upon the Sabbath day, immediatly after the first Sermon, or any other way that they shall think fit, to have in readiness Horses, Carts, Sleds, Spades, Shovels, Picks, Mattocks, and such other instruments as shall be required, for repairing of the saids High-wayes, and to conveen at such places thereof as they shall be required, and in such proportion and with such furniture as the saids Justices or Overseers shall appoint, and that in the most equal and proportionable way, as the saids Justices and Overseers will be answerable. With power to them to design such of the saids persons as they find to be most skilful, to attend and direct the rest, and to appoint them fit wages for their attendance; providing that the dayes they are required to work do not exceed the number of six dayes for Man and Horse yearly for the first three years, and four dayes yearly thereafter, and that they be only betwixt the Bear-seed yearly, and Hay-time or Harvest thereafter: With power to the saids Justices or Overseers to poind the readiest Goods of the absents, for twenty shillings *Scots* money for the absence of ilk Man daily, and thirty shillings for the Man and Horse, without further solemnity but appriſing the same upon the ground of the Land, and therewith to hire others in place of the absents; and in case the saids absents shall have no poindable Goods, to punish them in their persons as they shall see cause. Which High-wayes shall be twenty foot of measure broad at least, or broader, if the same have been so of before, and shall be so repaired, that Horses and Carts may travel Summer and Winter thereupon; and if any part of the saids High-wayes cannot well be continued as now they are, but require to be changed, the saids Justices shall appoint three of their number to visit the places where the High-wayes need to be changed, and to set down Meiths for the new way in place thereof, and upon Oath to estimate the damage of the parties prejudged thereby, and to deliver the same to them in writing under their hands, to the effect the same may be satisfied by the whole Shire, in manner after-specified. Which Justices are Ordained again to conveen at the head Burgh of the Shire the first Tuesday of *June* yearly, and thence every Tuesday from fourtnight to fourtnight, at such places as shall be by them

appointed

appointed during the Moneths of *June* and *July*, for three years next enſuing, for taking accompt of the ſaid ſeveral Juſtices and Overſeers of the reſpective proportions of High-wayes committed to them, & to fine thoſe Juſtices and Overſeers who ſhall failzie; ſtill increaſing the ſaids fines till they give obedience and perform their part, and to poind therefore upon the ground of the Lands where their Goods ſhall be found, without further ſolemnity. With power alſo to the ſaids Juſtices to viſit the Ferries in their Shire, and where the Ferries ly betwixt two Shires, that they correſpond with the Juſtices of the other Shire, to the end they may appoint fit and ſufficient Boats, and convenient Landing places; and ſo to regulate all things concerning the Ferries, as His Majeſties Lieges may be readily and conveniently ſerved, and at reaſonable rates, and to puniſh all ſuch as ſhall neglect or tranſgreſs the Rules ſet down be them for the effect foreſaid.

And becauſe the work of the inhabitants within the ſeveral bounds, will not be able ſufficiently to repair the High-wayes and others foreſaid; Therefore, His Majeſty, with advice and conſent of the ſaid Eſtates, doth hereby authorize and require the whole Free-holders and Heretors of the ſeveral Shires, to conveen at the reſpective head Burghs the ſaid firſt Tueſday of June yearly, and to call for an accompt from the Juſtices of Peace of what is needful for reparation of the High-wayes and others foreſaid, and what charges and expenſes is requiſite for promoving thereof; and for making or repairing Bridges and Ferries where they ſhall be found needful, and accordingly to ſtent the Heretors of the ſaid Shire, comprehending the Heretors of the Burtough-lands therein, in what ſhall be found neceſſary for the effect foreſaid, not exceeding ten ſhillings Scots upon each hundred pound of valued Rent in one year, which is to be uplifted be the ſaids Juſtices or whom they ſhall appoint, be poinding as ſaid is, and imployed for the uſe foreſaid; and of which they ſhall be oblieged to give an accompt to the ſaids Heretors at the next Michaelmas head Court yearly. Likeas, His Majeſty, with conſent foreſaid, prohibits and diſcharges all perſons whatſoever to break or abuſe the ſaids High-wayes by plowing up any part thereof, laying ſtones, rubbiſh or dung thereon, or any way breaking or pooling the ſame, or turning in, or damming water thereupon; and Ordains the Conveener of the ſaids Juſtices at their meeting the ſaid firſt Tueſday of May yearly, to take an Oath of the remanent Juſtices and of the Conſtables, of what damage they know done to the High-wayes, Bridges or Ferries ſince the year preceeding, in any of the foreſaid particulars prohibited, or any other, and by whom. Upon which the ſaids Juſtices ſhall conveen the tranſgreſſors, and in caſe of conviction by Oath or Witneſs, ſhall fine them as they ſhall ſee juſt, and ſhall poind therefore in manner foreſaid, and apply the ſame for the uſe of the ſaids High-wayes. with power alſo to the ſaids Juſtices, to call for an accompt of all Deſtinations and Mortifications to Bridges, Cauſa's, Ferries or High-wayes, and to cauſe the intrometters therewith, that have not applyed the ſame to theſe proper ends, to make payment thereof to ſuch perſons as they ſhall appoint, to be imployed to the uſes for which the ſame were deſtinat. Likeas his Majeſty Ordains the Conveener of the ſaids Juſtices to give a particular accompt under his hand, of what progreſs is made in the reparation of the ſaids High-wayes, Ferries and Bridges, upon the third Tueſday of *July* next to come, and ſo forth yearly to the Lords of his Majeſties Privy Council, who are hereby impowered to grant Letters of Horning and Poinding for the effects foreſaid, if need be.

And further, His Majeſty, with conſent foreſaid, gives power to the ſaid Lords of his Majeſties Privy Council, to Ordain the levying of moderat Cuſtoms at Bridges, Cauſa's or Ferries, for the building, repairing and upholding thereof, in caſe the ſaid Stent ſhall not be able to accompliſh the ſame, and to appoint the endurance thereof as they ſhall ſee cauſe. With power alſo to them, that in caſe the ſaids Juſtices and Heretors failzie in the performance of the things by this Act committed to them, ſo that the High-wayes ſhall not be ſufficiently repaired, nor Bridges and Ferries ſufficiently provided for, to take ſuch courſe for making the ſame effectual as they ſhall judge expedient, and to puniſh the ſaids Heretors and Juſtices, as their neglect ſhall deſerve: With power likewiſe to the ſaids Lords of privy Council, to appoint and commiſſionat Overſeers for putting the premiſſes in execution where they ſhall ſee cauſe; which Overſeers ſo appointed, ſhall have the ſame power as is by this preſent Act committed to the Juſtices of Peace foreſaid. And farther, his Majeſty Ordains, that where laboured Land lyes upon the ſides of High-wayes, the ſaid laboured Land ſhall be fenced with Dike and Ditch or Hedge; yet ſo as neither Dike, nor Ditch, nor Hedge, nor any part thereof, be within the forementioned breadth appointed for the High-way: And in caſe any laboured Land ſo lying ſhall not be fenced betwixt the firſt day of *Auguſt*, one thouſand, ſix hundred, and ſeventy one, then and in that caſe, the ſaids Juſtices are hereby authorized and required to cauſe poind in manner foreſaid, the Labourers of the ſaid Land, for four ſhillings *Scots* for each eln which ſhall not be ſo fenced after the ſaid time, and to apply the ſaid fines for the fencing thereof in manner foreſaid. Likeas, it is hereby Declared, that whatſoever ſtones, rubbiſh, dung or other impediments beis thrown or found lying upon the ſaids High-wayes, or water turned in or dammed thereupon, ſhall be eſteemed and held as done by the Labourers of the Land next adjacent to the High-wayes where the damage is done, who ſhall be fined therefore be the ſaid Juſtices and Overſeers; Reſerving right to the ſaids Labourers to call before the ſaids Juſtices any other for their relief, who have been the real actors of the ſkaith.

XVII.

ACT anent incloſing of Ground.

December 23. 1669.

WHereas by the fourty one Act of the firſt Seſſion of His Majeſties firſt Parliament, entituled, *Act for planting and incloſing of Ground*, It is provided, that where Inclofers fall to be upon the borders of any mans Inheritance, the next adjacent Heretor ſhall be at equal pains and charges in building, ditching and planting that Dike which divides their Inheritance. And the Eſtates of Parliament conſidering the inconveniency and difficulty the execution of that part of the ſaid Act may meet with, in Lands marching together where the Marches are crooked and unequal, or where any part of the bordering Ground is unfit or uncapable of bearing a Dike or receiving a Ditch, or hinders the compleating of the Incloſure in ane equal line. For remeid whereof, His Majeſty, with advice and conſent of the ſaid Eſtates, doth Statute and Ordain, That whenſoever any perſon intends to incloſe by a Dike or Ditch upon the March betwixt his Lands & the Lands belonging to other Heretors contiguous thereunto; it ſhall be leiſom to him to require the next Sheriffs or Bailiffs of Regalities, Stewarts of Stewartries, Juſtices of Peace or other Judges Ordinar, to viſit the Marches alongſt which the ſaid Dike or Ditch is to be drawn, who are hereby authorized, when the ſaid Marches are uneven or otherwayes uncapable of Ditch or Dike, to adjudge ſuch parts of the one or the other Heretors Ground, as occaſion the inconveniency betwixt them; from the one Heretor in favours of the other, ſo as may be leaſt to the prejudice of either party, and the Dike or Ditch to be made, to be in all time thereafter the common March betwixt them; and the parties ſo adjudged *reſpective* from the one to the other, being eſtimat to the juſt avail and compenſed *pro tanto*, to decern what remains uncompenſed of the price, to the party to whom the ſame is wanting: And it is hereby Declared, that the parts thus adjudged *hinc inde*, ſhall remain and abide with the Lands or Tennandries to which they are *reſpective* adjudged, as parts and pendicles thereof in all time coming.

XVIII.

ACT anent adjudications.

December 23. 1669.

OUR SOVERAIGN LORD taking to conſideration, that by ſeverall Acts of Parliament and conſtant Practick of the Kingdom, there is one years Rent of all Lands, Annual-rents or others appriſed, due and payable to the Superior of the ſaids Lands and others, before he be holden to enter and inveſt the Compriſer; and that there is the ſame reaſon in caſes of Adjudications as Appriſings. Therefore his Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes, Ordains and Declares, that the Superiors of Lands, Annual-rents and others adjudged, ſhall not be holden to grant any Charter for Infefting the Adjudger, till ſuch time as he be payed and ſatisfied of the years Rent of the Lands and others adjudged, in the ſame manner as in Compriſings; And Declares, that in all caſes, Adjudications ſhall be in the like condition with Compriſings, as to Superiors.

XIX.

ACT concerning the Confirmation and Quots of Teſtaments

December 23. 1669.

OUr Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That it ſhall be lawful to Executors, at the confirmation of the defuncts Teſtament, to give up the debts owing be the Defunct, and that the Quot be only payed for the free Geer (the Debts being alwayes inſtructed) With power to the ſaids Executors, for inſtructing of the ſaids Debts before the Commiſſar the time of confirmation, to cite the Creditors for production of the Bonds and Inſtructions of their ſaids Debts; and if the ſaids Creditors ſhall not produce the ſame, and yet ſhall happen thereafter to ſeek payment from the Executors, that then and in that caſe, the Creditors ſhall be obliged to relieve the Executors of a proportion of the Quot payed by them, effeiring to the ſaid Debt, or otherwayes to allow the ſame to them; And preventing of all fraud, both the Executors and the Creditors ſhall be holden to make faith, if required, anent the truth and reality of the ſaids Debts, that they were truly reſting unſatisfied the time of the defuncts deceaſe. And likewayes, Statutes and Ordains, That in all time comming, Executors Creditors be free of paying of Quot, in ſo far as they confirm only for Debts reſting to them be the Defunct

the

the time of his deceaſe, and thereupon the ſaids Executors ſhall be holden to make faith, if required, notwithſtanding of any Inſtruction produced by them. As alſo, the Relict confirming her ſelf Executrix Creditrix, and for ſatisfying of the obliegement of her Contract of Marriage, or other Proviſion made to her by her Husband where there was no Contract of Marriage, be alſo free of Quot, in ſo far as the Inventer extends to five years purchaſe of the Annual-rent or Life-rent provided to her; and that ſhe ſhall be lyable and pay Quot for the *ſuperplus* of the free Goods or Debts confirmed; And that this be extended to all other Life-renters, confirming themſelves Executors Creditors. As likewayes, that poor people, not worth in heretable or moveable Eſtate fourty pounds *Scots* money, have their Confirmation paſt and regiſtrat free from payment of any Quot; and for Fees of Court, that they pay only two pounds eighteen ſhillings *Scots*. And farther, it is Statute and Ordained, That heretable Debts reſting by the Defunct, be Infeftment, Bonds or Contracts bearing obliegment to infeft, be not allowed be the Commiſſars at the Confirmation, to defaulk off the Inventer in prejudice of the Quot, where there is an heretable Eſtate belonging to the Defunct to ſatisfie the heretable Debts, even though the ſaids Debts be given up by the Defunct himſelf or his Executor. And likewayes, it is Statute and Ordained, that Commiſſars admit of no diviſion in Teſtaments, in favours and upon accompt of the Relict, where by her Contract of Marriage or otherwayes, ſhe is ſecluded from all part of her Husbands moveables; And if a bipartit or tripartit diviſion be craved be the Executor at the confirmation upon her accompt, in that caſe the Procurator Fiſcal ſhall have power to cite the Relict, for production of her Contract of Marriage, or to give Oath upon her having thereof, or that by the ſame or any other Writ, ſhe is ſecluded: And if it appear, either be the ſaid Contract or be any other Writ, or be the Relicts Oath, that ſhe is ſeclude d from the third or half of the moveables, That then the Teſtament ſhall be confirmed without diviſion upon her accompt, and the Quot payed accordingly; And in caſe there be any exception in the Relicts favours, of the Inſight and Houſhold-pleniſhing, or any part thereof, In that caſe deduction is only to be granted of the Quot, effeiring to the proportion excepted and reſerved in her favours. And laſtly, His Majeſty, with advice foreſaid, Statutes and Ordains, that in time coming, no Charges of Horning be given to any perſon, at the Procurator Fiſcals inſtance, for giving up of Inventer, but upon a Roll of the perſons names to be charged ſubſcribed be the Commiſſar, and that within the ſpace of three years after the Defuncts deceaſe, after which time it ſhall not be leiſome to give any ſuch Charges of Horning for giving up of Inventer; And for the years preceeding, that they ſhall only charge for giving up Inventer of the Goods of ſuch Defuncts who have deceaſt ſince the year, one thouſand, ſix hundred and ſixty. And Ordains, That Letters of Caption ſhall not be uſed againſt any of His Majeſties Lieges for not confirming of Teſtaments, but where the Letters of Horning have been execute againſt the parties perſonally, or at their Dwelling-houſes and Paroch Kirk-doors, on a Sabbath-day after Divine Service. And Ordains the Commiſſars of the reſpective Dioceſſes, to keep Circuit Courts the time of the Spring and Hatveſt Vacance, for Confirmation of Teſtaments at ſuch convenient places in ilk Presbytery, as may be moſt conducing to the good and eaſe of the Lieges; and whereunto they are to be cited perſonally, or at their Dwelling-places and Paroch-Kirks as ſaid is, to the end and effect foreſaid: With certification, that if the Commiſſar, Commiſſar-clerk, Procurator Fiſcal, or any other Member of Court, contraveen this Act, the contraveener ſhall ſuffer deprivation of his Office, and never be re-admitted thereto again, beſide ſatisfaction to the party grieved, of any damage ſuſtained by him there-through.

XX.

ACT for in-bringing of publick Dues from the Northern Shires.

December 23. 1669.

OUR Soveraign Lord conſidering, that divers perſons within the Shires of *Roſs*, *Sutherland*, *Caithneſs*, *Argyl*, *Inverneſs* and Burghs within the ſame, are in arrear, and deficient in payment of a conſiderable part of the Annuity of Exciſe, granted to His Majeſty in the year, one thouſand, ſix hundred and ſixty one, the Taxation and Aſſeſſment impoſed by the Conventions of Eſtates in the years, one thouſand, ſix hundred and ſixty five, and, one thouſand, ſix hundred and ſixty ſix, notwithſtanding of all legal diligence uſed for in-bringing thereof. For obtaining payment of which Arrears, and for the more effectual and better payment of the ſaid Annuity of Exciſe in time comming, His Majeſty, with advice and conſent of the Eſtates of Parliament, doth Statute, Ordain and Declare, That the perſons deficient and in arrear of the foreſaid Annuity of Exciſe, Taxation and Aſſeſsment in the ſaid Shires, and Burghs within the ſame, preceeding the Moneth of *November* laſt, and who ſhall not pay in the ſame according to their reſpective proportions, to the Receivers and Collectors thereof, betwixt and the firſt day of *June* next to come, ſhall be lyable in double payment of all ſuch deficiency and arrear, without any manner of defaulcation. And farther Declares, that if for the future, three quarters payment of the ſaid Annuity of Exciſe in the ſaid Shires, ſhall happen to run in the fourth unpayed (the feaſt and terme of *Candlemas* next enſuing being the firſt terme) Then

Then and in that caſe, ſuch Shires, Burghs and Perſons therein ſo deficient, ſhall be lyable in payment of the double of the whole years Annuity of Exciſe, *toties quoties*, and all execution perſonal and real ſhall be uſed againſt them therefore. And His Majeſty and Eſtates of Parliament doth hereby Declare, That this preſent Act or any thing therein contained, ſhall no wiſe liberate the Commiſſioners of Exciſe for the ſaid reſpective Shires and Burghs, from being lyable in the ſingle payment allanerly of the ſaid Annuity of Exciſe; but that they ſhall ſtill ſtand oblieged therefore as formerly, in manner contained in the Act of Parliament made thereanent.

XXI.

ACT Salvo jure cujuſlibet.

December 23. 1669.

OUR Soveraign Lord taking to conſideration, that there be many Acts of Ratifications and others, paſt and made in this Seſſion of Parliament, in favours of particular perſons, without calling or hearing of ſuch as may be thereby concerned and prejudged: Therefore, His Majeſty, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That all ſuch particular Acts and Acts of Ratification paſt in manner foreſaid, ſhall not prejudge any third party of their lawful Rights, nor of their Actions and Defences competent thereupon, before the making of the ſaid particular Acts and Acts of Ratifications; And that the Lords of Seſſion and all other Judges within this Kingdom, ſhall be oblieged to judge betwixt Parties, according to their ſeveral Rights ſtanding in their perſons before the making of the ſaids Acts: All which are hereby exponed, and Declared to have been made, *Salvo jure cujuſlibet*.

XXII.

ACT of Adjournment.

December 23. 1669.

THE King's Majeſty Declares this Parliament current, and Adjourns the ſame to the eight of *June* next to come; Ordaining all the Members of Parliament to attend that day, And that there be no new Election of Commiſſioners from Shires or Burroughs, except upon the death of ſome of the preſent Commiſſioners.

FINIS.

A LIST

A LIST

Of the Printed *ACTS* paſt in the *Parliament*, keeped at *Edinburgh* in *October*, 1669.

1. *ACT aſſerting His Majeſties Supremacy over all perſons and in all Cauſes Eccleſiaſtical.*
2. *Act concerning the* Militia.
3. *Act for regiſtration of Inſtruments of Reſignation* ad remanentiam.
4. *Act concerning poinding before the dayes of the* Charge *expire.*
5. *Act for the ſecurity of the perſons of Miniſters.*
6. *Act for the ordering of Suſpenſions of the Benefices and Stipends of the Clergy.*
7. *Act for Naturalization of Strangers.*
8. *Act concerning the Bullion.*
9. *Act concerning Preſcriptions.*
10. *Act concerning Interruptions.*
11. *Act concerning the forfeiture of perſons in the late Rebellion.*
12. *Act concerning the Exciſe and Cuſtoms.*
13. *Act for annexation of* Orknay *and* Zetland *to the Crown.*
14. *Act concerning the exportation of* Corns.
15. *Act for regulating the prices of Ale & Drinking-beer, & Malt-men.*
16. *Act for repairing High-wayes and Bridges.*
17. *Act anent incloſing of* Ground.
18. *Act concerning Adjudications.*
19. *Act concerning the* Confirmation *and Quots of Teſtaments.*
20. *Act for in-bringing of publick* Dues *from the Northern Shires.*
21. *Act* Salvo jure cujuſlibet.
22. *Act of Adjournment.*

FINIS.

A LIST

Of the ACTS *and* RATIFICATIONS *paſt in this firſt* Seſſion *of His* MAJESTIES *ſecond* Parliament, *and which are not here printed.*

PRoteſtations by ſome Noblemen, and others Commiſſioners from Shires and Burghs, concerning their precedency in the Rolls of Parliament.
His Majeſties Letters to the Parliament, concerning the Union of the Kingdoms of *Scotland* and *England*, with the Parliaments Anſwers.
Act anent the election of Commiſſioners from Shires.
Act for continuing the Impoſition for upholding the Cauſſa of *Couiemonth*.
Acts for yearly Fairs and weekly Mercats to ſome Noblemen and others.
Proteſtation by the Earl of *Nithisdale*, that the Forfeiture of *Mckclelland of Belmagachan* ſhould not prejudge him.
Proteſtation by the Vaſſals of *Orknay*, that they be not prejudged be the preſent annexation thereof to the Crown.
Proteſtation in name of the Duke of *Lenox*, that this annexation do not prejudge his right of Admiralty in *Orknay*.
Proteſtation be the Lord Advocat *contra* theſe two Proteſtations.
Commiſſion anent the regulation of the Commiſſar and Sheriff-Courts, and other inferiour Courts of Juſtice.
Act ſuſpending the payment of publick Debts.
Protection to *William Dick*.
Ratification in favours of the Duke and Dutcheſs of *Hamiltoun*.
Proteſtation be the Town of *Linlithgow* againſt the ſame.
Proteſtation be the Duke of *Hamiltoun* in the contrair.
Two Ratifications in favours of the Earl of *Argyl*.
Proteſtations be the Earl of *Errol* and others againſt the ſame.
Proteſtation be the Earl of *Argyl* in the contrair,
Ratification in favours of the Lord *Newbyth*.
Ratification in favours of Mr. *John Young of Leny*.
Ratification in favours of *Thomas Moncrief* of that ilk.
Ratification in favours of the Earl of *Kellie*.
Ratification in favours of the Lord *Stair*.
Ratification in favours of Sir *Andrew Fletcher of Aberlady*.
Ratification in favours of Mr. *Andrew Oſwald* and his Son.
Two Ratifications in favours of Sir *John Nicolſon* of that ilk.
Ratification in favours of *Mungo Graham of Gorthie*.
Ratification in favours of the Archbiſhop of St. *Andrews*.
Ratification in favours of the Earl of *Perth*.
Ratification in favours of the Earl of *Roxburgh*.
Ratification in favours of Sir *Alexander Frazer of Dorrs*.
Ratification in favours of Sir *Robert Cunninghame of Auchinharvy*.
Ratification in favours of *William Murray of Ochtertyre*.
Ratification in favours of Sir *James Drummond*.
Ratification in favours of Sir *John Forbes of Wattertoun*.
Proteſtation in name of the Town of *Aberdeen* againſt the ſame.
Ratification in favours of the Earl of *Tweedale*.
Ratification in favours of Sir *Hary Bruce of Clackmannan*.
Ratification in favours of Sir *Alexander Don of Newtoun*.
Ratification in favours of Sir *Patrick Home of Polwart*.
Ratification in favours of Sir *Charles Erskin of Cambo*.
Ratification to him of his Office of *Lyon King at Arms*.
Ratification in favours of Sir *Philip Anſtruther*.
Ratification in favours of *David Forthringhame of Pourie*.
Ratification in favours of the Earl of *Middleton*.
Ratification in favours of the Earl of *Dundonnald*.

Ratifi-

Ratification in favours of the Lord *Lee*.
Ratification in favours of Sir *John Keith* of *Caskieben*.
Ratification in favours of the Maſter of *Roſs*.
Ratification in favours of *John Forbes* of *Cullodin* and his Son.
Ratification in favours of *David Blair* of *Adamtoun*.
Ratification in favours of *William Hamiltoun of Wiſhaw*.
Ratification in favours of *George Dundas* of that ilk.
Ratification in favours of Sir *William Ker of Hadden*.
Ratification in favours of *Thomas Boyd of Pinkil*.
Ratification in favours of the Miniſter of North-*Lieth*.
Ratification in favours of *Hugh Wat*.
Ratification in favours of the Town of *Bervie*.
Ratification in favours of Sir *Adam Blair of Carberry*.
Ratification in favours of *George Fullertoun*.
Ratification in favours of *David Philp of Overcarnbie*.
Ratification in favours of Mr. *Robert Deens of Longherdmiſtoun*.
Ratification in favours of the Earl of *Annandale*.
Proteſtation in name of the Viſcount of *Stormont* againſt it.
Proteſtation be the Earl of *Annandale* in the contrair.
Ratification in favours of Sir *John* and Sir *Robert Dalyels*.
Ratification in favours of Mr. *John Wiſhart*.
Ratification in favours of the Earl of *Linlithgow*.
Ratification in favours of Sir *John Nisbet*, Lord Advocat.
Ratification in favours of *Alexander Brodie of Letham*, &c.
Ratification in favours of Sir *William Purveſs of Woodhouſlee*.
Ratification in favours of the Girdle-makers of *Culroſs*.
Ratification in favours of *James Stewart of Torrence*.
Ratification in favours of the Lord *Drumlanrig*.
Ratification in favours of the Viſcount of *Stormont*.
Ratification in favours of Lieutenant-General *Drummond*.
Ratification in favours of Sir *William Bruce of Balcaskie*.
Ratification in favours of the City of *Glaſgow*.
Proteſtation be the Town of *Ruglin* againſt it.
Ratification in favours of the Town of *Forfar*.
Ratification in favours of Mr. *Andrew Burnet of Warriſtoun*.
Ratification in favours of Sir *John Aitoun* of that ilk.
Remit for the Viſcounteſs of *Stormont*, Lord *Drumlanrig* and Laird of *Edneim*.
Act for an Impoſition to be upliſted at the North-water Bridge.
Prorogation of the Impoſition for the Bridge of *Sauchtonhal*.
Act for changing the Way at *Walter Chieſlies* Houſe at *Dalry*.
Recommendation for the Heritors of the Sheriffdom of *Berwick*, concerning their fiſhing on *Tweed*.
Commiſſions for the Fiſhings in the Waters of *Spey* and *Divern*.
Act anent the Fiſhings on *Spey*, &c.
Commiſſion for improving of Trade.
Act diſcharging the Cuſtom of Books.
Act anent the Kirks of *Kinneil* and *Burroughſtouneſs*.
Act concerning the Loſſes of the Town of *Dundee*.
Recommendation in favours of the Maſters of the Scots Incorporation at *London*.
Continuation of the Lady *Bramfords* buſineſs.

FINIS.